

The Censure

and iudgement of the famous clark Erasmus of Rotterdame: Wherbyth dyuerselye betwene man and wyfe stondesth with the lawe of god, with diuers causes wherfore it is permitted, with the mynde of the olde doctours, written by the said

Erasmus
in the booke of his Annotations
vpon these wordes of Paule.

i. cor. vii.

She is delyuered from the bond
of the lawe, let her marry
to whom she wyll,
translated by Nicolas Lesle.

Ephie, iii.

Be not caried aboute with euery
wynde of doctrine.



Nycolas Lesse, to the reader.



De fortunēd
not longe a-
go (most gē
tyll reader)
that a verye
nygh frende
of myne, be-
yng in a certayne company of mē,
not only leached, but also of most
sound iudgement, and perceuyng
by their communication, whyche
was of that thyng that is now
in al mens mouthes and (the more
is the pttle) commonly practised
as well of the wicked sorte of men
and women, as of those, which ac-
cording to the law of god, do seke
moost iust remedies and help, for

A. ii.

ther

To the Reader.

their paynful greiffes, and moost
daungerous sores, that as tou-
chynge this matter of diuorſe. no
man hath wrytten more exactly &
absolutely, than the famous clark
Erasmus of Rotterodā hath done,
in his booke intituled (the annota-
tions vpon the newe testament, in
the first epistel, and leuenth chap-
ter of the Apostell Paule vnto
the Corinthians,) was thorough
their wordes so kindled, and set a
fyr, with the desyre of the know-
ledge of his so absolute censure &
iudgement, that he neuer ceased,
yea importunately crauing on me
till I had both graunted hym to
translate the sayd part of his an-
notations, forth of the latyn, into
our mother tongue, and perfour-
med it alsoo. Whiche thinge al-
though I was loth for to do, by
cause

To the Reader.

cause I would not, being a man
of so simple learninge by anye
maner of wayes, appeare to take
byō me, to medle with that argu-
ment, which so great clarkes had
taken in hande alrebye, yet for so-
much as it could nothyng preiū-
dicate y godly doctryne of y prea-
chers in this behalfe (yea rather
shoulde further theyr doctryne,
than hynder it,) to set forth in wrī-
tyng the mynde of suche a noble
clerke, as in our tyme hath not
ben the lyke, nor manye hundred
yeares before. I dydde bothe
wyllyngelye and gladlye, satisfye
his mooste godlye requeste, that
in so doyng, not his mynde only,
but also of those whiche were the
auncientest and cheifest doctours
that the churche hath hadde from
A. iii. the

To the Reader.

the beginning therof tyll oure
tyme, myght be perfectlve kno-
wen. Take therefore thys lygh-
tell worke vnto the (righte gen-
tell Reader) and reade it tho-
rough, or elles medel not wyth al.
For otherwyle (peraduenture) y^e
shalt be broughte into more dou-
btes, than thou arte in alreadye.
And then I trust thou shalt stic-
ke to one trueth, withoute doub-
tyng any more in this behalfe.
But yf all thys can not satisfie
thy mynde, but wylte rather en-
clyn to thyne owne iudgemente,
then to y^e censures of suche holy
fathers, with the vniuersall con-
sente and contynuall obserua-
tyon of the church, I can not tell
to whome I should sende the, for
furthet knowelledge, but onelye
to

To the Reader.

to praye to God, to lyghten thy
hart that thou mayest se & knowe
the veritie, by hym whiche is the
schoolmaister of all veritie,
pea the veritie it selfe,
whiche hatethe all
lyes, to whome
I doo com-
mende
the
and at thy studies.
Fare well.

**Whyther dyuorſemente
doth ſtande with t^e lawe of
God, or naye.**

1. Cor. vti.

**She is ſet at libertye from the lawe,
let her marry to whom ſhe wyll,**



Although, as
I haue ons al
teady openly
declaid in the
begynning of
my booke (and
as the thynge
it ſelfe ſhulde and ought alwaye
teſtifie in it ſelfe) that in this my
whole worke, I entende, or minde
in no place thetoſ, to be the father
or bringer vp of any new opiniō,
whiche ſhoulde brede contention,
but that my deſire is, all that I
maye

Vpon diuorment.

maye to helpe them forward, whiche are studious, with the pure & sounde iudgemente of the holpe churche, and of those, to whome Christe hath geuyn a more large gyfte of learninge, and wysdome: yet for al that, I doo proteste the selfe same thinge againe, in this place, because of certaine persons whiche are in these matters, wherof we now do speake, more captious, and fynding of faulces, than becommeth good christen men.

But, as I do thinke, that it is no contumely, or a thinge wherewith men shoulde be offended, though a man be of an other mynd & iudgement, than other authoꝝ be of: (be they neuer so great of name, & therewith also aunciente) so can I be content with a good wil, to forsake myne owne iudgement, and

A. v.

to

to be againste it, if any man (be he
neuer so simple) can shew me that
which is better. It is not vnknowne
vnto me, & it is a thing among
all christen people moſte generally
receuyd, & agreed vpon, that wher
ſoever matrimony is once cele-
brated, that there it can non other
wyle be dyſſoluyd but by y^e death
of one of the two partes, whiche
were ſo ioyned togyther.

Of thys mynd was Chyloſtom, &
the olde latyn wyrtars, and wyth-
oute doute the greate doctor Au-
guſtin, being confirmed not only
by the conſtytutions and ordy-
nances of byſhops, and wyth
the authoryte alſo of the decretall
lawes, but alſo approued, and al-
lowed by the whole conſentes of
the ſchcolemen. But if ſo be, y^e
godly men haue alway thought

it

Vpon diuorment.

it good to alter and chaunge the
opinions, when it is for a better
purpose, and is also standynge
wyth reaso, to make the lawes for
to serue vs after the fashyon as
we vse medicines, according to the
nature of the syknes and dilease,
wherwith man is payned: then let
vs consyder, and waye, whyther
it be expedient and proffyttable
that the selfe same thyng sholde
be done in thys cause of matrimo-
ny: and if we do fynde it expedient
and requysyt that it shold be, than
let vs se whyther it be lawfull, yea
or naye, that some sorte of mat-
rages sholde be vndone, not wyth-
oute a good ground, but for ear-
nest causes, nor yet by euery man
that wolde take vpon him, but by
the gouernors of the chutche,
and lawfull iudges, and that
the

the same matrimony shulde so be
 dissolued, that both pattes might
 marry againe to whom they please,
 or that parte, whiche was not the
 cause of the breache of matrimo-
 ny. I am not ignoraunte, that
 there are many thynges, whereof,
 to make any doubte, or to brynge
 into question, were greate synne:
 as if we shoulde dispute, whither
 Christe were both god and man,
 whither he was bozne withoute y
 seede of man, whyther our soules
 do lyue after the death of y body :
 and so, whyther that our bodyes
 shall be restozed to lyfe agayne in
 tyme to come. For we are taught
 these thinges so plannelye by the
 authoritie of the holy scripture, &
 by the whole consent of the holye
 churche, that it is a wycked and a
 very daungerous thyng, yea to
 holde

Vpon diuorcement

holde any dysputatioⁿ therof, excepte it shoulde be our chaunce to haue to do with those, whiche are infidels. But yet for al that, I do not thynke, that that man shulde be vngentlyllye sayd nay to, and spyghtfully cast of, whiche (as the weaknes of our humayne nature is) haupnge some doubte, peraduenture, of some of these thinges: doth open his mynd to those whiche are learned, so that he myndeth none other thyng, but y^e he might more firmly beleue that thyng, whiche he dyd not throughtlye beleue before. But nowe let vs see, whither this matter, whercof we do now speake, be of that kynde, & nature, y^e or nay. Some thynges there are, whiche be so obsecured & kept, by the auctorite of the churche, that accordinge as tyme and
nede

nedde sholde requite, they maye be
 alterpd and chaunged. And as it
 is not lesfull, to abrogate & disa-
 nul the holy scripture, which is þ
 moste ryght rule of good lyfe, eue
 so it is the parte of a good and
 a wyle stuard, so for to vse it as þ
 maners of mēshal requyre, wher
 of we wyl speake more largely
 hereafter, myndynge nowe to go
 on with the matter which we haue
 in hand. Fyrst therfore of al, I do
 saye, that it pertyneith to þ godly
 charite of the churche, as mych as
 lyethe in it, to procure the helth of
 al men, and dilygently to comfort
 & succour the weak & diseased mē
 bers therof. For we do se many
 thousands so vnluckely copeled
 togyther, wyth as euyl agre-
 ment, that bothe parties do per-
 yshe thereby, which (peraduentur)
 might

Vpon diuorſement

might be ſaued, if they had li ſet
a ſonder one from the other. Whi
che thig if it myght be broughte
to paſſe, wout doing' pꝛeudice &
wrong, to the holy commaūdemē
tes of god, it ought to be y^e deſire
of al godly men, but if it be ſo that
it cā not ſtōd with the law of god,
yet I do take it to be a good wiſh
& deſire, forſomuch as charite of
ten tymes doth deſyre thoſe thigs
which can not be. For Moyses
doth wyſhe, that he might be blot
ted forth of the booke of lyfe, And
the Apoſtel Paule doth wyſhe
alſo that Chryſte wolde make
hym to be an anathem oz curſe for
his bretheren. There haue byn ^{The propoſi}
many of thys opiniō, which haue ^{tion}
thoughte, that after matrimo
ny were lawfully dyſſoluyd, it
ſholde be lefull for thee man to
mar

Origen.

marry another womā. Let no mā
now strelghtway condemne this
opinion, as straunge and foule, &
vniworthy to be disputed. For Or-
rigen in his seuenth Homely bpō
the Euangelyst Matthewe, dothe
witnes that he knewe certayn by-
shops: whiche permitted & gaue
leauē to wyues, which had dyuoꝝ
sed them selues from their husbā-
des, to marry oher men, and sayd
that in so doying, they dyd agens
the commaundement of the lorde,
and of Paule. But yet he doothe
notbttely condemne the dede, by
caul he suppoſeth that they so did
vppen some probable and good
cause, leaste some woꝝle thinge
shulde haue ben commytted, be-
cynge with the hardenes of theyꝝ
hartes, folowynge the counsell of
Paule which dyd permytte vnto
wydowes

Vpon diuotsement;

wydwes, which could not lve
chaste, that they might mary aga-
in. This example of Paul, Origen
dothe so confert, examin, & dys-
cusse that he semeth to make it a
much more hard & streyght matter
to gyue leaue vnto a wydow for
to mary, whiche despyeth an hos-
bond for the pleasure of here bodi
and not for chyliden, than that y
man puttyng awaye his wyfe for
whordom sholde take to hym an
honest woman mete for hym. And
herof he semeth to make no man-
ner of doubt / but that he may law-
fully mary againe whom the Gos-
pell dothe permitt to put awaye
his wyfe for whordome. Nether
doth Paule command thys man
so dyborsed, to be reconcyled aga-
ine vnto his wyfe.

But Origen doth note in the ex-

B:

ample

A man may
lawfulli put
awaye his
wyfe & mar-
ry agayn yf
she be a hore

ample of those byshops/that theſe
 dyd permitte that thing vnto the
 wyues/whiche the apostle Paule
 with expressed words, semeth to
 prohibit and forbidd. Neither doth
 Origen say, that that man is after
 the Jewyſh sort, whiche doth for-
 sake his wife for whoredome, but
 that man, whiche beyng way-
 warde, and harde to please, for e-
 uery lyghte cause, seketh to putte
 away his wyfe, as the Jews dyd.
 For, that man, whiche is of that
 Jewyſh sort, and casteth with him
 ſelfe how he myghte go from hys
 wyfe/doth reason after this faſh-
 ion: Moſes dyd permit a man to
 put away his wyfe for anye foule
 thinge, and for example of a foule
 thinge, he putteth adulterye, it is
 lawfull therefore (sayeth he) for a
 man to put away his wyfe for
 other

Vpon diuorſement;

other foule thinges. This reaſon
Orygen dooth ſhake of, denyeng
that Moles dyd meane of aduou
tpe, when he ſaid for a foul thing
forſomuch as they dyd not vſe to *in the caſe*
geue a libell of diuorſemente, for *of adulterye*
the ctyme of aduoutpe, wher *as there was no*
they vſed to deliuer the wooman *libell of dy*
to them which ſhulde ſtone her to *uorſemente*
death. But by this foule thyng, *& ſo no liſe*
wherof Moles ſpake, he dyd me-
ane (ſaith Orygen) ether ſome fault
of corrupt manners, or deformitie
of the body, wherwith the huſbā
were offended. That this was the
mynd and opinion of Orygen, his
wordes folowynge do declare.
After this (ſayth he) the lorde doth
not ſuffer any man to put away
his wife for any other fault, ſauing
only for the cauſe of fornication.
And afterward he moueth another
queſtion

a question
moued of O.
rigen, wher
to he himself
maketh an-
swer.

question, demandyng, whyther it
be lawful for a man to put awaye
his wyf, if she be a murderet of fa-
er or mother, if she be a witche, or
athese, as well as he maye law-
fully put her away if she be a who-
er. And in thys question he stan-
dethe in doubt, perceuing on the
won syde, that it were against the
commaundement of god, so for to
do, and on the other syde he dooth
thynke it to be an vniuste and an
vnnatural thing, that the hesbād
shold be constrained to bear those
vices in hys wyfe, which are more
greuous, and heynose, than who-
dom. But at the laste, sekinge how
to wynde hym out of thys doubt-
ful question he sayth, I do reason
then after thys fashion and saye,
bycause he dyd not commaunde
this thig, as by y way of apzecept

Vpon diuorfemente,

or commandemente, saing: let no
man put his wyfe awaye but for
fornication, but as one that wolde
make y^e matter more playn & open
sayde: who that dooth put awaye
his wyfe, except it be for the cause
of fornication / he maketh her an
harlot. I do thinke that Origen
was of thys mynde / that the we-
mā is dyuē to be an aduouterose
person, in that, that she maye not
be suffered to mary againe, althou-
ghe she be according to ryght, &
her noughly deseruing put, from
her hosband: but if she be so, she
falte to be in her selfe, that she doth
playe the whoar afterward, & not,
in her hosband, whiche hath putte
her awaye. And alyghtel before,
he made a similitude of Chryste,
whiche dyd repudiate and caste
of the synagag, being a māquet-

lar

lat. taking vnto him a new spouse
 which is the churche. The words
 of Orygen are these followynge:
 we must say (sayth he) that Chryst
 dyd not put away his fyrst wyfe;
 that is to saye (after the spiritual
 vnderstandynge) the fyrste
 Synagoge , to geue example
 that he wouide do accordyng as
 the scriptur teacheth, which saith:
 whom God hath seyned together
 let no man separate) but when his
 wife is an aduoutetous woman,
 beyng corrupted of the aduoute=
 rous ennemye, by whose counsell
 she soughte the death of her hus=
 bande. &c. And a lyttell after he
 sayth, And Chryste for the church
 sake, didde leaue and go from his
 father, with whome he was, what
 tyme he was in the forme of god
 and from his mother also. &c.

Hitherto

Vpon diuorſemente,

Hitherto are the wordes of Dry-
gen: Thou heareste in this place
(gentyll reader) of a diuorſement,
and after the dyuorſemente of a
newe spouse, wherby, it is ma-
nyfeste / and open, that Drygen
was of thys mynde playnelye,
that after a man hath put awaye
his wyfe for whoredome, he may
marrye another wyfe. But where
as he sayethe, that the byshopps
dydde agaynste the doctryne of
the gospel, whiche permytted and
gaue lycence for matryage, after
dyuorſemente, he dooth meane of
those men, whiche dydde putte a-
waye theyr wyues for other can-
ses, as the Jewes dydde. And in
the lyke manner, thou muste vn-
derstande that whiche he wryteth,
where he saythe these wordes.

After

After the selfe same reason, as the woman is an aduoutrous person although she seemeth to marry lawfully, during the lyfe of her husbande, euen so the man, although he seemeth lawfullye to take that woman to wife, which is so diuorced from her husbande, yet doth he not lawfully take her accordig to the mind of Christ, but he doth commit the greater aduoutrye, as one which doth take another mā's wyfe. **O**ur Origen speaketh of these, which do make diuorcesmentes for other causes, which Christ dyd not except, or for lyghte causes. And yet those matrimonis by mans law were not punished, yea they were taken as good and lawfull. But Origens reasoninge is, whether suche matrimonies be lawfull after the words of Christ

Vpon diuorment.

or no, namely, where as great offences did make the separation betwene the man and wife, as for attemptynge to poyson her husband, or to do murder, and saith: Thou shalt examyn, whither he hath a iuste excuse befoze god or naye.

And yet he sayth, that who so putteth his wife away, doth geue occasion of adultery, whiche perauenture, with god, shall be imputed, to the wyfe, and not to the husbande, whiche dyd put her away.

Tertulian doth appeare, not to be muche of a contrary mynd to Drigen, in his fourth booke, whiche he wrote against Marcio, expoundinge these words of Christ, after this wyse, saying: If a man dothe put away his wyfe, and marye the an other, as though he wolde say, who so putteth away his wife, for

Tertulian
minde

B. v

this

thys potpote that he myghte ma-
 ry an other, he can not iustly putt
 her away, for he doth put here
 from hym not vpon a iuste cause
 but he maketh on quarell or other
 (he careth not what) so that he ma-
 keme, and apere to putt her away
 iustely, whome he doth hate and
 abhor. For the matrimony or ma-
 riage whyche is not iustly dissol-
 ued, standeth in effect still, & that
 standyng styl in effect, whiche is,
 contynnyng the matrimony, to
 mary to an other, is whordom.
 And so if Chyste vnder a conditi-
 on dyd forbyd a man to put away
 his wyfe, then dydde he not vtter-
 ly forbydde hym. And that
 thyng whiche he hathe not who-
 ly forbydden, he hath whol-
 ly permytted. The selfe same
 Doctor with in fewe wordes after,
 sayd

Vpon diuorcement.

sayd: & so the law of dyuorcement
hath Chryst for the maintenaunce, &
defendar therof. Thou wylt saye
(peraduenture) that Tertulian is
not to be admytted, forsomuch as
he went awaye from the churche.
Howsoeuer he dyd, yet in thys
matter he was not reprehended
of the godly lerned men, whiche
he shoulde haue byn, if thys opini-
on had byn contrary to the mynde
and iudgement of them that were
in the treuth. Of the same mynde
also, was on Polentius, a man (as
it appeareth of great grauite and
of no lesse lerning, against whom
saynte Augustine wrote .ii. booke
not in thys case, as though he
hadde byn one of the great heddes
and masters of heretiques, but as
one whych had bin in contentiō w
him, whose sentēce, mis, a iugmēt
he

Objection

The mynde
of Polentius

he doth so refel and improue, that
yet for that opinion, he doth laye
no pointe of heresy to his charge.

*S. Ambrose also, whiche was a
ambrose per mā praised without al doubt, not
muttere the onely for his sound doctryne, but
man to man also for his godly luyunge, sayth
after diuorſ that it is lawfull for a man to ma
ment & not ry another wyfe, after he hath put
the woman awaye his firste wyfe for whoze-
dome. And truly ther is nodoubt
but that this byshop did practyse
that thing in his flock, whiche he
wrote to be iust, and according to
the lawe. For in the exposition whi
che he made vpon the seuenth ch.
of the first epistle to the Corinthi
ans, he sayde after this wyse: (and
that the man do not put away his
wyfe) you must vnderstand (saith
he) except it be for the crime of for
nication. And therfore (sayth he)
the*

Vpon diuorfement

the Apostel speakyng of the man
dyd not put therto (yf he dooth put
het awaye, let hym continue syn-
gell) as he dyd when he spake of
the woman, bycause it is lawfull
for a man to mary another wyfe
yf his wyfe be a whooze, which he
hath put awaye: for he is not in so
streight bondage of the lawe, as y
woman. For the hed of the womā
is the man. And the selfe same du-
ctor sayde a lytle before. If she cā
not lyue chaste (sayth he) because
she wyl not stryue against y flesh
lette her be reconcyled to her hus-
bande. For there is no such leaue
gyuen to the woman, that she mai
mary againe, although she dooth
put away her husbāde, for that
he hath playde the whozemonger
or hath forsaken his faith, or vn-
lawfullye hath desired the vse of
his

hys wyfe. The reaso wherof is be-
cause the inferior hath not that
same prerogative in the law, ouer
the hedde, whyche the superior &
hed hath ouer the inferior, that if
the man doth forsake the fayth, or
wold contrary to godlynes per-
uerthe the lawfull vse of his wyfe,
yet can she nether marrye, to anye
other, nor yet retorne to him aga-
yne. In this place whete he saith
that the inferioure hath not that
same priuylege, that the superi-
our hath, he semeth (although he
sayeth not so openlye) to geue leue
to the man to mary another wyfe:
But / within fewe wordes after
he permytteth the wyfe alsoo to
take another housbande, althou-
ghe het fyrste hulband be alyue.

For in his expolytyon vppon
these wordes of Paule, for a bro-
ther

Vpon diuorſement

ther, or a ſiſter is not bounde in ſuche caſe) that is to ſaye ſaith he they ought not to receaue any honor by matrimony whiche do diſdaine & hate the author & maker of matrimony. For it is no good or ſyze matrimony, which is withoute the loue of god, by the which realon, the woman, whiche is putte away bycauſe ſhe doth fear and loue God, doeth not ſynne yf ſhee toyne her ſelfe to an other husbände. For the couteempte, and hatred, of God our maker, doth looſe and vndoo the bond of matrimonye, and ſetteth at libertye / the partye whiche is ſo put away ſo that he, or ſhe ſo forſaken maye with out blame and offence cople them ſelfe in matrimony againe with other. And the infidel perſon doth offend both
againſt

agaynst god, and the holy state of
 matrymony. bycause he wold not
 in the loue and honoz of god con-
 tynue therein. And therfore, the
 faythe, and promyse of matrymo-
 ny is not to be kept with hym, or
 her, whiche therfore forsaketh it
 and is gon from it, bycause he
 wold not here and beleue that the
 god of the Chrystyn people, who
 theye do worship sholde be the au-
 thor and maker of matrymony.
 For if Esdras dyd command the
 wyues, and holbandes, whiche
 were infidells to be put awaye,
 that therfore god sholde be mer-
 ciful, and not displeased if they tok
 other wyues or husbands of there
 owne nation (for they hade no siche
 commaundement that they sholde
 so put them awaye that they shold
 take none other:) how mych moze
 if

Vpon diuorcement,

yt an infidell person doth depart
on his owne wyll, may the fayth-
full woman or man take in mari-
age one of their owne law: For
that matrimonye ought not to be
taken for matrimonye, nor impu-
ted to them: which is without the
law of god. Whereto are the wor-
des of Ambrose. And hete, I doo
thinke that no man can quarell,
that Ambrose dyd meane of that
woman which by ignoraunce, did
marry an infidell. whom she bele-
ued to be a christen mā, forsomuch
as Daule doth approue and al-
low the coniunction, in marriage.
Pea of thos also, if the infidel doth
consent/and is wyllyng to con-
tinue with the faithful wyll. For by
that reason, if this ignoraunce was
at the tyme of the contracte, then
coude she by no lawe continue
C. with

Erasmus,

The faith
full maye
not wyttyn
ly contracte
matrimonye
with the un
faithfull but
yf they were
maried to gy
ther not kno
wng one the
others sayth
they oughte
not aftere
ward to go a
sender

The maister
of the scēce

with him styll, with whom at the
first she could e not make any such
cōtract of matrimony. And truly
it is a very faynt reason, where w
Bettus Lombardus, in y fourth
boke of the sentences, goith about
to put away that place of S. Am
brose, which we first rehearsed, for
to saye / that it was noone of Am
brose wyttynge, but thruste in of
some other into his woorkes, for
somuche as it differeth nothynge
from his style, and māner of wy
tynge, nor yet any thing there ad
ded or wytten, as an exposition
of any of his wordes. After thys
fashion, a man maye easely make
answēt to euery doubt, if it wold
be so admitted. For there are ma
ny thynges wytten in Cyprian
woorkes in Hieronimes woorkes, in
Saynte Augustynes woorkes,
and

Vpon diuorſement,

and in the workes of Thomas of
Aquyne, whiche the churche doth
improue. And wherfore do we not
excuse theſe authozs, with the like
reaſon, and ſaye, It was noone of
theſe olde myſtynges, but thruſt
in of ſome other corrupter of theiſe
workes? But now, if we wold diſ-
cuſſe, and ſerche out the mynde, &
opinions of the late writars, (whi-
che do beare great ſwinge both in
courte and in ſchole) we ſhall find,
that there were amonge theym,
whiche thoughte it lawfull, that
matrimonye myght be diſſolued,
or at the leaſte wyle, whiche deny-
ed not, but this matter was diſpu-
table. Fyſt of all, Iohannes An-
dreas determineth, and decreeth,
that matrimonye, beſore the man
and the wooman doo lye togy-
ther, maye be dyſſoluyd, not onlye

Iohannes
Andreas

Erasmus,

ye either of them doo professe the
rule of a monasticall lyfe, but also
by the onely authoritie of the by-
shop of Rome. But ye they wyll
graunt me, that this matrimonye,
is a true matrimony, which is con-
tracted with the consente of bothe
partes, haupyng and speakyng
the wordes one to the other, whi-
che do pertaine to that same con-
tracte of matrimony, and that the
contract is made betwene lawfull
and meete persons, (suche as the
law doth permit:) they must also
graunte, that the strength & bond
of matrimonye, dependeth of the
lawe of god: It must follow then
that ether the law of god doth not
so take and vnderstonde matrimo-
ny as we do, or els, that the bishop
of Rome hath power to vndo that
whiche the law of god doth com-
maunde

Vpon diuorſemente,

maunde and decre. Againe, the
ſame Iohannes Andreas, teacheth
for a doctryne, that matrimonye
whiche is ratified, and ful finiſhed
by the carnal copulatio of the mā,
and the woman, can not by anye
meanes be diſſolued, for the proſſe
and confirmation of the whiche
defence, whiche he maketh, I doo
perceiue as yet no good reaſon, or
cauſe alledged. For the reaſons,
whiche Hoſtiensis, Auguſtin, and
pope Leo do bryng for y purpoſe,
beſyde, that they are but the opini-
ons and myndes of men, they do
alſo permytte againſt the doctin
of Chriſt and of Paule, that ma-
trimony may be diſſolued, and al-
ſo/ y after the diſſolution, a loſinge
againē of the ſayde matrimony, y
man and the womā ſeparated/ may
marrye againe. And therefore, we
muſt

Erasmus

must ether denye that same to be
matrimonye, whiche is not confir-
med with the carnall copulation,
or ells we must graūt þ̄ matrimo-
ny may lawfully be dissolued. Or
els / what god (I pray you) gaue
this reuelation vnto these doctors
that the profession of a monasti-
call lyfe, and the chaunge of reli-
gion, which is, of the ordinance of
man both lawfully depart man &
wyfe / yea, although þ̄ ether of the
wold stand in the denial therof, &
were not wyllyng to go a sonder.
Yea (wyl they say) we do meane þ̄
matrimony which is but ratified
& agreed vpon betwen the partes,
not that which is made perfect, &
ful ended by carnal copulatio. Yet
it be so, whet, and when dyd god e-
uer teche them, þ̄ heresy should de-
parte mā & wyfe, yea after it were
ful

Vpon diuorſemente,

ful ſyniſhed & made perfect by the
mutual copulatioⁿ of y^e partes: and
ſo depart the, y^e it ſhuld be lawful
for the man or y^e womā. which did
perſiſt in the faith, to ioyne in ma-
trimony again wth whō thei wold.

What ſhold I ſpeke of **Zachary** Pope **Za**
the biſhop of Rome. w^{ch} as we do **chary**
rede in the.iiii. boke of y^e ſentēces,
& the. xxviii. diſtinc. doth diſſolue
marrimony. if a mā doth ly. wth the
ſyſter of his wyfe, whoſe words ar
theſe. Thou haſt medeled wth the ſi-
ſter of thy wyfe, And therfore yf y^e
haſt ſo don, y^e ſhalt haue nether of
thē, & thy wyfe (yf ſhe be not gylty
of thy wickednes, and not wyllig
to lyue chaſt) we do permytte that
ſhe in the name of god / may mar-
ry to whome ſhe wyll. But thou &
the aduoutrous woman ſhal mar-
ry no more, but ſhal lyue ſtill in
ſorowe

Erasmus

For o we and penance during yo
 ure lyues. Thus far are the wor-
 des of Zachari the byshop. Now
 as tochyng thys glose whych Pe-
 trus lombardus doth make vpon
 his words, I do take it to be farre
 from the truthe, & nothinge after
 the meaning of the byshop, as fo-
 loweth, wheras he doth saye (saith
 Lombardus) let her mary to who
 she wyl, we must vnderstand, that
 he doth meane after the deathe of
 her hosband. I praye you hartely
 wold the byshop haue omitted, &
 forgot so greate a matter as thys
 is, if he had byn of that mynd, as
 thys man doth vnderstonde hym?
 What and if he whych was here
 hosband had lyued lengar, than
 hys wyfe, shal not then in this be
 halfe the payn of the innocent par-
 ty be as greate as of hym whiche
 was

Petrus Lombardus

Thou maiest
 hereby per-
 ceauce that
 both zachari
 & Erasmus
 are in the mid
 that theffen-
 der shoulde
 not marrye.

Vpon diuorment.

was the offender?

But how soeuer this is, som man
wyl say peraduentur / that that is
no lawfull matrymony, whiche is
contracted against the conspytut
on and ordinance of the byshop.
Well, if it be so as he saythe, wher
fore is not the woman in this case
set at lybertye, that she maye ma-
rye agayne? Let this question now
pass, for we wyl go no further ther
wth. But as touching the profes-
sion of a monastical lyfe, no man
douteth that it bothe vndo that
matrymony, which is but agreed
vpon, and sured betwene the par-
tes, and for heresy, that contract al-
so is vndone yea whiche is goun-
thorow, and ful ended betwene
the partes. But if a man may dys-
solue & vndo y matrymony, why-
che is not ful ended / bycause the
reason

Goynz into a
cloyster some
tyme dyd dis-
solue matry-
mony and he
resy also

Erasmus

reason and cause of the sacrament
is greater whē it is synpshed, by
the copulation of the partes than
it was befoze, by the same reason it
shall be lawful also to vndo the
marriage after it is perfect and ful
ended, bycause that frutfulness of
chyldren in matrimony is a grea
ter cause than barrennes, and the
cause in the fyrst contract is grea
ter than in the second or the third.
But thys me thynketh, by many
lawes may be reasonable ynough
that the marriage which is not con
summat & ful ended myght some
wayes be vndoone, bycause that
the woman which hath not byn
toched of the man to whome she
was maryed, shal sooner fynd an
other man, whiche wyll take herte
to wyfe, than she which hath car
nally knowē her hoband. But we
I can

Vpon diuorcment.

(I cannot tel for what pourpose)
haue so mengelyd gods law and
mans laws to gyther, about thys
busynes, that we haue made it so
darke that no man can tel what to Iohannes
make of it. But for al that, Johā- Andreas
nes Andreas dothe apete not alto
gyther to dyslent from thys oppy-
nion, if a man sholde say, that ma-
tymony, whych is made perfect
may be dyscoluid vpon som great
vrgent cause, forsomych as he
dysputeth thys same argumēt in
the rule which begynneth Actus li-
gitimi and the lyxt booke De regu-
lis iuris, whome Danormitanus
doth aledge in 8 cha. which begin-
neth Ex publico, de conuersione cō-
iugatorū, for after he had put the
case (whither the byshop mighte
dispēce & geue licence, 2 a kyngs
sonne which is a mōke, might his
father the big haue no more sōs

Erasmus

*Panormita
nus upon dy
uicismente.*

but him) myght mary a wyfe, and
kepe her tyl the tyme he shuld be-
get of her a man child, and so whe
he hath brought forth reasons on
both sydes, both with it, & against
it, he geueth no sentence or deter-
mination, whither he myghte soo
dispense or naye, but leaueth the
matter to the iudgement of other
men. But at the last, Panormita-
nus doth thus end his whole dis-
putation, and sayth: I could be of
this mynde, that the pope can not
vndo the matrimony which is co-
summate / and made perfecte be-
twene faithfull persons, so that I
woulde chose to take and defende
the negative parte, that he can not
dispence in this casse. And here he
doth not affirme the thinge, but he
putteth forth this question, as a
disputable argument, whereof he
thyn-

Vpon diuorsem ent

thinketh the contrary part to be
more probable, and truar. The
same Banozmitanus, amonge o-
ther matters, wherof he wrote in y
chapter, beginning w this worde
Quanto, and tytle, de diuortijs,
doth saye these wordes (And thys
text doth serue verye well, and is
the beste that can be for this pur-
pose, wherbpon we might groun-
d our reason, that the churche can
not dissolue, & vndoe that cōtracc
of matrymony. And heare againe
he doth not saye affirmatiuely y
the church can not vndo that ma-
trymony, wjiche is consummated
and thorowly ended: but rather cō-
senteth that it may, although he
sayth) an argumēt might be made
out of that chaptre, which shold be
to the contrary. For it foloweth
not that streyghtwaye it is ouer-
com-

Frasmus

com and cast down, bycause it may
be ouercom and cast doune with
argument. Hostiensis also appea
reth some tyme to be on the contra
ri parte. For in the chapter begin
ning .Ex parte in the tytil de cōuer
tione coniugatorum. he moueth y
question, whether the church may
nowe statute & ordeine y whe the
ether part of the faythful persons
which ar married together is falle
into heresye y other part mai go to
the seconde bowe of matrimony.
And he doth aunswere that it is
lawful so to do, prouig it by this
argumente. A yke wyse (saythe
he) as the churche hath ordeyned
betwene infidels, whiche do con
tracte among them selfe lawefull
matrimonye, as Codicc de infideli
bus & consanguini & affini, so may
the churche decre and ordeyne a
monge

Vpon diuorſement

monge the faythful perſons:
For the conſirmation of the ma-
trimony of the faythful commeth
of the ſacrament of baptym, as in
the ſayd chapter Quanto, and that
by the dyſpoſition and order of
the churche. The churche then
hath power to ordeyne, alloo to
y contrary. Doth not Hoſtenciys
here openly pronounce, that the
churche maye decre and ordeyne,
that ſome matrimony may be diſ-
ſolayd be it neuer ſo perfect, when
ether of the parties doth fall into
herelſe, ſo that the innocent party
maye go to the ſecond bow, (that
is to wytte, may make a newe con-
tract of matrimony wyth ſom o-
ther? And yet he denyeth that thys
thyng may be don, except the chur-
che doth ſo ordeyne it. Antonye
alſo doothe certefye vs that he
hath

Antonye
pō diuorſ
ment

hathesene a bull of the byshope
of tome his gyving forth, wherby
he dyd sepe rate man and wyfe af
ter that that matrimony was ful
ly finished and made perfect. But
how myche these authours at to be
set by, and regarded, let it be the
iudgement of other men. As for
me I haue hete brought the forth
and shewed you what they do say
byscause that they whiche thynke
them to be of greate authoryte,
shold not think that I haue done
otherwyse than well in that I do
desyre, that by som way or other, it
myght be brought to pass, that be
the authoryte of the chutche, som
remedy and helpe myght be prout
ded for them whiche do lyue my
serably and vngodly togyther w
the greate peryl, and daunger of
bothe ther soul helthes. But now

no

Vpon diuorcement,

no man can denye but that the lawes of Chryst are molte ryghtwis of al, and most ful of all equities excellynge and passyng al other whyther we do compare them wth the lawe of nature, or mans lawe. Chryst doth not strayghly requit of vs that we should lyue as biggens, lest he shoulde apete to go agaynst the law of nature, althoughe he dothe pronounce them to be blessed, whych e canne take it. ^{Howe are} But to those wordes he doth add these wor^{des to be un-} thus muche moze, sayinge (for the kyngdome of heauen). And the^{derstanded,} kyngdom of heauē, he calleth the^{(to be gelded} preching of the gospel, that thys^{for the king} saying: shold molte apear to serue^{dome of hea} for that tyme. For ther is a tyme^{uen.)} to marry, and a tyme to abstayne from mariage. Doost thou thinke then, that it stondeth wth equite & iustice

iustice, that a man shoulde be com-
 pelled to lyue with a wyfe/whiche
 is kiuered ali togither with myl-
 cheuos & shamful dedes, wherof
 he gaue none occasion nor yet can
 byng her by any means fro here
 leuones with whome for to lyue,
 wercas bad as to be slain, & better
 to be dead. Or doest thou think it
 good right & reason, that if thys
 man do departe hym selfe from
 her, that he shoulde be dryue to lead
 al the days of his lyfe after, with-
 out a wyfe al a lone, as a mā that
 were no mar. Let it stonde wel w
 right & reason, that y patti which
 was occasion of the diuorment &
 seperation shal haue no more ly-
 berty for to marry, but wherfore
 shold he be ponyshed, which hath
 not deserued, except ye wolde say
 that he is woorthy to be ponyshed
 bicause

Vpon diuorfement,

bycause he was so vnluckey, to
marry so vngacious a wyfe. But
I praye you, what man did euer
se that a man was ponyshed for
his mylfortune, if ther was none
other falt in him than that, special
ly by the law of god. What other
thing is this, but to heape on a
flyction vpon an other, and to
make hym, which is miserable to
be more miserable, whome oure
partte wete to helpe: for wher as
childze vnlawfully begotten, who
we do cal bastards ar debarted fro
comming to certayn promotions
& other praffets, first thou shalte
vnderstond that it is by mā's law
& not by the lawe of the ghospel:
Secondly, that it was thoughte
good to the magistrates so to po
nysh the vnchaste lyfe of ther pa
rents, And fynally they ar not so

D.ii

excluded

excluded, but y they maye other-
wyse helpe them selues, by theyr
vertuouse and good actes., altho-
ughe theyr fortune in that case be
agairste them. Now be it, it is not
al won, nor a lyke thyng to be bar-
ted, from receauing oz comming
to dignite, and to be a whole lyfe
tyme in continual tormentes, and
in so many dangers and perylls,
whet the man deseruith no syche
thing. And if y that mā doth make
his wyf to be a whoat, which doth
put her awayne, without a lawfull
cause, dothe not he then as well
make here to be a whoat, whiche
doth prohibyt her being vniustly
put away to mary, when she is of
that manner of nature, and dispo-
sition of the body, that we sholde
do her wronge to commaund here
to lyue chaste. But as toching that
theye

Vpon diuorſement,

they do ley againſt vs, the example
of monkes & noonke (which haue
no wronge done vnto them for ſo-
myche as wyllyngly, without any
compulſiō, of them ſelfe, they toke
ſo ſtreight a vowe vpon them, as
they could not vndo afterwarde)
I myght peraduenture anſwer, &
the example of a thing which is in
contention and in controuerſye &
in doubt (as this is, whyther the
vowe of monkes and nones be a-
brogable or nay) cann not reſolue
the doubt of an other thyng which
is in lyke controuerſy, as this
our matter is. And yet for al that
if we wyl beleue ſome lawyers, &
byſhop of rome maye make of a
monke no moonke. And as to this
that whiche they doe alleadge ſpe-
king of a ſoleme and a pryuate
vowe/ I canne not ſe any ſubſtan-
cyait

The byſhop
of Rome ca
make of a
monke no
monke

Erasmus.

clal reason wheron it is groun-
ded. But if this ther reason (theye
tooke it vpon them willingly by
there owne myndes) were of so
great force that the thinge whiche
theye ons doo, shold neuer be vn-
done, but be perpetuall, it dothe
follow, that al maner of contracts
and bar gayns which ar made be-
tween man and man, by ther owne
fre wyls, and voluntary consents
shold neuer be vndon, but alway
stand, and be perpetual, which (for
al that) we do se by experience for
newe considerations and causes,
whiche do often tyme tyle & come
betwene, ar by the equyte of y law
quyghte dysoluyd, and made
voyde. But, sonne man here
(peraduenture) wyll saye vnto
me, that in mattymony a lawe
is openlye prescribed, and kno-
wen

Vpon diuorcement,

Men, that after it is wonse contracted, yt canne not be dyssolued, of the whiche thinge those which do marry, as not ignorant / and yet wyllyngly they do put ther owne necks in the halter, where they need not. But truly, that thing, whiche is oure matter, wherof we do reason is, whyther the rigor of this lawe, maye any thinge be mitigated, and loosed any maner of wayes for someche as often tymes, syche causes do com betwē, that it shold apere a cruel thynge not to helpe the patty which is in danger. But if this lawe doth seme to be some thinge repognant to the equitye of nature, we muste se then, whyther that whiche is wyrtten as concerning this law by the Euangelystes, and apostells in ther wyrtynge, maye receaue anye other

Interpretation or meaning than
 that, which is according to the o-
 pen wordes of the lawe. And I
 wolde, that it shoulde be lawfull
 for vs to do in this casse, as we are
 bould to do in other places of the
 scripturs. And lyk wyle, I wolde
 that we shold dyscuse, and examin
 what tyme, to whome, & for what
 occaston, it was spoken, and per-
 aduentur, we shal fynde oute the
 right vnderstondig therof. Now,
 let euery man be content, and not
 take streightwaye into a rage and
 cry out vpon heauen and yearth,
 and saye: This man doth goo a-
 bout to breake the decrese of the
 church. For therunto I do ans-
 were, that I do go about no speche
 thing (as I haue protestyd befor)
 but only by the waye of dysputati-
 on to reason the matter. Then let
 vs

Vpon diuorfement

As se, for what purpos the church
hath allowed thys. For it hath or
deynde som thyngs, not to stonde
in effect and to be oblietued for
euer, but for a tyme only. Second
ly, if the churche, (if we maye so cal
it) or ellis the byshop of rome hath
at no tyme alteryd, and changed
any of his decreese and ordinaunces
nether wyl I requyre, that any
thyng be in this casse chan-
ged and alteryd otherwyle than it
was fyrst ordeynde. But if so bee
we doo fynde, that the churche or
the byshop of rome hath made at
any tyme any change or alteratiō
in thynges whiche are of greater
weyght but not so much pertainig
to the helth of me n, as this is / for
what cause shold we be afeared to
do the lyke and that specyally,
when we maye therby ease and
help

Fra smus

helpe the paynesfull greifes of soo
many men? Our maister Chryste
is content, for won pore shepe whi
che is loste, to seeke aboute euer ye
whete, that he myght fynd it owt,
& so found, bryng it home agayn,
vpon his own shoulde: & shuld
we be loth to seke and to proue, yf
we myght fynde remedy and help
for so many as do peryshe daylye,
ythe that Christ is aucthor of all
helth, and mans lawes shuld non
other wyse preuaile, & be of stren-
ght, but so farre, as they don con-
duce and ar profitable for the pre-

The small
ende of all
lawes,

whether the situation of man? finally, forso-
byshop maye muche as there ar certayne greate
statute & or maisters in deuinite, which do gra
deyne anye unt & geue to the byshop of Rome
thyng again so large auctozite and power, that
he the decre it lyethe in hym to abrogate, and
es of the apo vndoe any thyng, whiche the A-
files polites

Vpon diuorcement

postles, (yea Peter him selfe) haue
a hath ordeyned, and for some che
as there be some doctours, whiche
make a question and a dout of it,
whyther he may ordeyn and decre
any thyng agaynste the doctryne
of the gospel, not altogethet deni
enge but that he maye after a cer
tayne fashon, do it, although not
cleane disanullynge the doctryne
therof / that is to say / either by in
terpretation, or elles by restray
nyng, or enlargynge of his woꝝ
des (as Daule dyd when he sayde,
I not the lord, by permission, and not
of commaundement doo, &c.) for
what cause do they more bind him
in this case, that he cannot do the
lyke, as he may in other thynges,
whiche are more great wherin he is
permitted to do what he wylle?

Forsooth as concernyng matrimo
ny, Ihon Andzea, which is a gret
author

author amonge the lawyers: af-
firmeth that the byshop of Rome
may decre, and ordeyn, that by the
seconde contracte of matrimonye,
the first maye be made voyde, soo
farre as the first was not consum-
mate, lyke wise as it is vndone, &
made voyde, by enteting into reli-
gion. And of this mans mynde is
Banoymitanus, as ye rede in their
commentaries, wrytten vpon the
chapter, Quod uotis/ in the tytell.
De uoto & uoti redemptione. In
the syxt booke, and in the chapter,
Ex publico, in the title, De conuersi-
one coniugatorum. In the actes of
the apostles we do reede, that in a
certayne solemne counsell, it was
decreed and published, that as ma-
ny, as were admitted from the infy-
delitie of the heathen into the chry-
stian flocke, should absteyne from
meates

Vpon diuorſment

meates offered vp to ydols, frome
ſtrangled beaſtes, from blode, and
from whozedom. This can not be
called a conciliable or pꝛyuate con-
gregation, where ſo great a nōber
was, neither can it be called a coun-
ſell without a heade, where Peter
hym ſelfe was pꝛeſente. And yet,
that whiche was at thtyme decreed,
is gon ſo farre, & ſo longe time
ōwt of vſe, that now who ſhoulde
abhorre to eate of a ſtrangled hen,
or of podynges which are made of
bloude, men woulde take hym to
be a ryght Jewe. And yet do not
I blemyſh the auctoritie of the A-
poſtels, but onely I do excuſe the
thyng done by them at that coun-
ſell to be ordeyned for a tyme, for
the paciſſenge of the myndes of
the Jewes. The Apoſtle Paul for-
byddeth that a nouyce in the faith
which

The decrees
of the apo-
ſtles chaun-
ged, & for
what intent
it was made

Paul's con-
stitution

Transubsta-
ntiation not
beleued of the
prymytive
churche.

Whiche is newe come therto oz els
a feygther. oz a drunkarde, should
be made a bishop. But at this dat
we do se, that the byshop of Rome
doth make a chylde a byshop, whi-
che was borne but yester day, yea,
and yf it pleaseth hym, of a piteate
and a thefe, which robbeth vppon
the sea, he wyl make a byshop al-
so, beyng nothyng a feard of Pau-
les constitution. Furthermoze, it
was longe oz the churche dyd de-
termine, that transubstantiation
was in the bread of the aulter. For
it was sufficient many yeaues, yf a
man did but beleue that the bodye
of Christ was vnder the consecra-
ted breade, wone way oz other soo
that they beleued that he was
there. But afterwarde vpon a far-
ther respecte they determined o-
ther wyse theteof. The tyme hath
byn

Vpon diuorcment

byn, when they were not taken for
heretiques which beleued that the
holy ghost dyd procede only from
the father, and I am not certayne,
whither the moost part of the chri-
stians dyd in the p[re]sentyue chur-
che so beleue. But when they had
wayed the matter well, the church
dyd desygne that waye, whiche we
nowe do followe. The lyke thing ^{The concep}
was aboute the conception of the ^{tiō of the vir}
blessed vyrgyn. But whither ^{gin}
the church dyd at the fyrst Deter-
myne and iudge that man, whych
would doubt therof, that he shuld
be taken for an heretyque or nay/
I can not tell very well, although
there are some, whiche do asseyrme
that it was so concluded in y^e coun-
sell holden at Basyll. And here a-
gayne riseth a double doubte,
whyttes

whpyther al the actes of that coun-
 sell do stand or nay, and farther w
 what wordes, and for what pour-
 pose / this case was detemined. If
 it were then desynged to be as an
 actycle of our fayth, what shal be-
 come of the fryar Dominikes, of
 whome many be yet styll of the cō-
 trarye opinion. There are manye
 suche lyke matters as this is. For
 there was none of them, which wer
 the very olde wyrtars, that durste
 pronounce openly / that the holye
 ghost was of one substance w the
 fether, & y son, no not thē when the
 question about the sonne, was so
 contentiously handled al y world
 ouer. And that moze is, in y psalme
 of prayse geurnge, whiche the
 churche beganne to synge after y
 Atryans were expelled, where as
 is attributed to the sonne, that he
 is

Vpon diu orlements,

is the lyght, of lyght, and perfect
god of perfect god, the same is not
ther/ with open and playne woꝝ:
des ascribed to the holy ghost.

But now we are bolde to say, that the holy ghost is of one substance
with the father and the sonne, and
perfecte god of the father, whiche
is very god, and of the sonne whi
che is very god. Ther is no man
(I do thinke), whiche wyl so set y
churche of Chryste, (whiche ston=
deth of the congregation, and fe=
lowship of men) quight and cleare
from all error, that it shoulde be
ignoraunt in nothing. It is suffi
cient that it be so farre forth, bold
of error, that it doeth houlde and
kepe the chief pointes of our faith
and chritsten religion. For it maye
happe that the churche shall erre
in the number, wherby they shuld

E. know

knowe the day, when the feaste of
Easter shold be kepte and holde,
wheras thys poynte petternethe
no chynge to the matter of oute
fayth/ or loue toward god . I
doo speke of that churche, whose
auctoryte we do followe that is
to wyt, the church of rome.

But yf it be trewe, as some doo
whyther the houlde, that the byshop of rome
Byshoppe of can not erre by no errour iudycyall
rome may be at any tyme, what ned we to haue
deceiued, & general counselles, for what cause
geue a false sholde we cale men of lawe vnto
sentence or the counsel / or lerned debynse,
may if he canne not erre, when he ge-
ueth the sentence in any cause. Where-
fore is place geuen after he hath
pronounced his sentence, that
men may appeal from hym to the
Synode, or from hym, to hym
selfe.

Vpon diuorcement,

selſe agayne, after he is better ad-
uysed and instructed, and infor-
med of the matter. What nede ſo
many vniuerſities be troubled, in
diſcuſſyng the doubtſ of our
faith, when a man maye go to
the biſhop, and haue the truth of
euery doubt at his mouth: Yea
how doth it com to paſſe that the
decree and ſtatutes of won bi-
ſhop are contrary to the ordina-
ces of an other: I wyl not ſpeke
of Pope Formoſus, but what ſay
you by Pope John, whiche was
the two and twenty pope of Rome
and pope Nicholas, are not their
decree ſtatutes, and ordinances
clean contrary the one to the other,
yea, in thoſe matters, whiche doo
pertain to the cheſe poyntes of
our faith: Of the whiche twain
the one dyd pronounce iudicially,

pope iohn
& pope Ny-
cholas decre-
es are contrary

to

(to vse there manner of speakyng)
that Christ and his apostels, had
nothyng in possession, either in
common or priuat: that other pro
nounced cleane contrary, that thei
had. This thing a man may learn
forye of their decrees, whiche are
intituled, Errauagants.

pope anno
cent & pope
Celestine
made con,
rary decrees

But that which foloweth, doth ser
ue better for the matter, which we
haue in hande, that pope Innocēt
the thyrde, and Celestyne also, bys
shops of Rome, dyd determyne cō
trary conclusions, cōcerning how
matrimony may be dissolued. For
pope Celestyne dyd ordeyne, that
eyther the man or the wyfe, which
dyd stand styll in the sayth myght
marry agayne, if that either of the
dyd fall into heresy, which thinge
pope Innocent doth deny, as we
rede in y fourth booke of the decre
tals

Vpon diuorſement,

als, in the title, De diuortiis and
chapt. quanto. Neither doth pope
Innocent in that place omitt to de-
clare, that a certaine predecessor of
his dyd otherwyſe ordeyne, mea-
nyng Celeſtine (as the Gloſſe
in that place doth open, declaring
that there was ſometyme in the de-
cretals a conſtitution of pope Ce-
leſtine / in the thirde booke therof
and in the tytell De conuerſione in-
fidelium, in the end. And that ſemeth
moſt lyke to be true, becauſe that
tytell containeth very fewe chap-
ters, that thereby thou mayeſt vn-
derſtande and perceaue / that it is
cut of, & made ſhorter than it was
at the fyrſte making. Beſyde this pelagius was
Pelagius (as a man may ſe in the ^{an aduerſari}
decrees, in the .xxi. diſtinction, and ^{to the mar}
chapter Ante triennium) did ordeinge of preſts
that the Subdeacons of Sytyll
ſhuld

Erasmus,

sholde absteyne from ther wyues
whome theye had lawfully mary-
ed befoze the makynge of that
same ordynance & constytution;

Thys Decree, as vniust/and contra-
ry to the commaudemente of the
ghospell, Gregory, the fyrste of
that name, dyd plucke back and
clean abrogated, which Gregory
succeeded vnto Pelagius, & made
a constitution and Decree, that no
man from thense forth shold com-
and be admytted to that order,
except he bowed the bowe of cha-

Gregory the
fyrste dydde
succede to
Pelagian by
shop of rome

Erasmus do
shold much
with the in-
nocent parti
that he or she
which is inno-
cent may mar-
ry agayne

styte. But it is a very harde, and
an vniuste thyng, that a man
sholde be forced to chastite, which
hath not bowed yt, nor deserued
to be dyuen thereto, whyther he
wyl or naye. But that, which Gre-
gory here dothe take to be vniuste
dothe

Vpon diuorſement,

dooth not ſoo appeare to Inno-
cent the thyrde, as appeareth, in
that ſame place, whyche I haue
here beſore alleadged vnto you,
whyche doothe after this faſhion
make aunſwere to thoſe men whi-
che doo obiecte, that it ſeemethe a
chynge agaynſte reaſon / that the
huſbande withoute anye faulte,
ſhoulde be depriued of the benefit
of matrimonye, ſpecially, ſeynge
that, that man doth moze greuous-
lye offende, and is a greater en-
emye to **CHRISTE**, why-
che after he hath receaued Bap-
tyſme, doothe fall into herelye, or
to the beleiffe of the Pagans,
than he, whyche was boorne an
Ethnycke, and doothe forlake, to
be conuerted to the profeſſion and
fayth of **CHRISTE**.

Beſide

Erasmus.

Be syde thys the churche of Ant-
tyn, was certayn hondred yers of
thys opinton that if a man hadde
made a lawfull contract of matry-
mony with won woman (as for ex-
ampl with Barbara) wherin both
ther wordes & ther mynds dyd a-
grie, but had no bodely conuersa-
tion with her, and after ward dyd
the copulatio contract with another whose name
of the partes was Cornelia, hauinge copulati-
on with her, he sholde be constray-
ned to forsake his fyrste wyfe, &
lyue with her with whom he made
the latter contract, the carnal co-
pulation goyng therwith.

*Whyther the
seconde con-
tracte of ma-
trimonye,
wher is also
the copulatio
of the partes
maye undooe
the fyrste co-
ract whiche
path not this
copulation.*

But that constitucion. Innocen-
tius the byshop of rome doth ope-
ly dysanul and vndo, makinge a
cleane contraty decree, whiche is
that the fyrste woman, was the
right and lawfull wife, and al that
was

Vpon diuorſement

was done wyth the laſt woman to
be no matrimony but playne ad
ultery, and whordome, as ye may
rede in the fourth booke of the De
cretals, in the tytul, quanto, & chap
ter Tuas dudū, and alſo i the chap
ter Licet, of that ſame tytul. Allex
ander the therd declareth by a cer
taine wyrt that his predyceſſers,
that is to ſay, the byſhops of rome
had a foretyme ordeyned y ſame
thyng, which Pope Innocent did
condem in the church of Wynt
Howmynch more daungeroſ a mat
ter was thys, than the cauſe of dy
uorce, and yet the byſhop of rome
dyd alter the decrees and constitu
tions of other byſhops: So hat
nede I tel you of the vniuerſite
of Warps, whiche dyd conſe o
penly diſproue the ſentence and o
pinton of the byſhop of rome inſo
myche

There be
ſome ſuche
cōtraſtes in
London, the
moore is the
ſhame that
they are juſt
fred

The vniuer
ſitie of paris

Frasmus

much that they braue hym to re-
cant, and deny his words, whych
he had spoken before (yf we maye
geue any credite to histories?) Ex-
cept, peraduenture we do thinke
it to be but an idell fable or tale,
whych Ihon Gerson doothe re-
hearse in a certayne Easter Ser-
mon of Ihon Byshop of Rome,
whych was the two and twentye
of that name, that he did precisely
affirme, that the sowles of wy-
ked men, shoulde not be punyshed
before the day of iudgemente, whi-
che error, all the whole schoole of
Parys dydde openely condemne,
and broughte the Byshoppe to
that, he was fayne to denye and re-
cant his opinion. Neyther canne
it be sayde that noo manne helde
thys opinion besyde the Byshop,
so

Pope Ihon
made to recāt

Vpon diuorcement

So that he only shold be in a wro-
ge mynde, yt must nedes be a pub-
lyque/and almoste a generall er-
ror, whyche was publyshed ether
by letters oz by some decrete, that
sholde somyche moue and styrr al
the whol realm of France to be a-
gaynſt it. But what do we spea-
ke of Delagian, of Alexandre, &
of poope Innocente, seynge that
Peter, which was as it were the
cheefe of the apostels, was not a-
shamed to hearken to better coun-
sell, when beinge admonished by
Paul, he dyd knowlege and con-
fesse hys error, if thee wordes of
saynte Augustine are to be bele-
ued herein.

Nowe truly, although we do con-
fesse & graunte, that mattimony it
self is of the law of God, yet many
cis

Frasmus

circumstaunces which do pertain
to the causes of matrimony, depēd
of the positive lawe, as degrees
of kintred, impedimentes of mari-
age, and dyuorlements. Neither
haue we these decrees, and ordy-
naunces gyuen to vs by famous
and generall counsels, but onelye
at the handes of pryuate byshops
beynge the answers, which they
made to this or that maug consul-
tation for the tyme, as they thou-
ght good, and accordynge to con-
science, yea other whyles swaruing
from that which they them selfe,
had determyned and decreed be-
foze. But this constitution, wher-
of we do now dyspute, was, as I
do suppose, at the first, was y dede
but of one or two byshops, whych
atterwarde, by lyttel and lyttle, cre-
pyng farther abroade / is growē
to

Vpon diuorment
to be so great a matter as it nowe
is. No man can saye naye, but thei
were men, and euery man dooeth
knowe, how myghtye and stronge
euery thyng is, after it is growen
into a custom. And it is not a thig
to be merueyled at, that the layde
oulde fathers, were so looze offen-
ded with dyuormentes, whiche
was abhorred yea of the Ethniks, Nowe they
when that some of them could scāt wyl marrye
abyde matrimony, much lesse, that ^{six or seven}
a man or woman should be twyse ^{tymes.} yea
maried. All this befoze, we haue ^{though they}
shewed vnto you, because no man ^{haue not on}
should thynke it, to be an vilsene- ^{tooth in ther}
lye thyng, though we do dyspute ^{head}
about the alterynge and chaun-
gynge of the lawes of dyuorment.
But now if it please you, let vs ex-
amyn the places of the hely scrip-
tures: whereby we doo seeme to be
contrayned

Erasmus

The places
whiche doo
seme to dys
proue dyuor
sements

constrayned to receaue, and admit
this lawe. Our Lorde Iesu Chri-
ste, as ye do rede in the iijth chap-
ter of Matthewe, what tyme he
dydde sowe abroade his heauen-
ly philosophye, and prescrib'd a
perfecte example, whete by he de-
clared, and madz open, what man-
ner of men he woulde haue his dis-
ciples, and those whiche were his
folow'rs, to be, sayde these wo-
des: It is sayde (saythe he) Whoo
so euer doothe putte awaye hys
wyfe, lette hym giue to her a testi-
mony all of dyuor'sement. But I
say vnto you, & whatso euer he be,
whyche dooth put awaye hys wife
except it be for the cause of forny-
cacion, he doothe make her too be
a whoate, and who that doothe
marrye a woman whyche is put
away

Vpon diuorment

put awaye from hete holbonde,
doth commit adultery. But, for so
much, as in that same place he
doth teche many goodly lessons
whiche do bewtifie hym, that is a
pure, and a right christen man,
for, what cause can we be content
to admyt in al the rest of the wor-
des a gentyl expolytyon, and in-
terpretation to bee hadde, and in
this matter of dyuorment only
we make our selfs so streight, that
we do streyn the wordes of Christ
much more narrowly, than euet he
spake theyn. For whet as he leftte
to the volboud, wone cause of dy-
uorment, we do bynde that same
cause with many bondes, adding
much more thereto, of oure owne
selfe. And fyrste (as hete for ex-
ample) wee maye putte awaye
ours

Erasmus

out wiues but then, we must liue
as no men, lyke persons, that wer
gelded and neuer to haue issue.
Belyde this, if thou doest com
panye with thy wyfe, after thou
hast wont suspected her to be nou
ght, thou shalt not enioye the be
nefit of diuorcemēte. Furthermor
if a man be an adulterouse person
hymselfe, he shall not forsake hys
wyfe, which is as noughty a wo
mā, as he is a man, fynally we do
wast and wrythe this terme of ex
ception, whiche is (except for) so
somy ch that we do deneye that it
dothe gyue any power to a man
wherby he maye putte away his
wyfe, but that it doth setue only,
for to certefy the, if thou doest put
awaye thy wyfe, that by thy put
tinge her away from thee, thou
shalte not make her to be a whoar
for

Vpon diuorſemente;

forſomuch as ſhe is a whoat whe
thou doeſt departe from her. For
ſo is the mynd of Auguſtin. But
I do call that to be a true diuorſ-
ment, whiche at thoſe days, was
alowed, & none other, when a man
might lawfully take another wyfe
after he was ſeperated from hys
wyfe. For, wher as we do vnder-
ſtand that to be dyuorſment, whe
the man and the womā are ſodered
from dwellinge togyther in won
houſe (the bond of matrimony ne-
uertheleſſe remayneng ſtyll) was
ther euer any of the olde deuyn-
g and lawyars, whychē dyd deſy-
ne ſych a maner of dyuorſment? But
of thys matter we wyl ſpeke moze
herafter. As tochyng this poynte
then, we are ſo ſtrenght, & ſo nighē
that we go to the very rigor and
extremite of the lawe, but in theſe

A righte di-
uorſmente.

Sych diuorſe-
ment is of our
owne brayne

f.i.

reſte,

rest, we care not how largely, howe
 fauourably euery man dooth take
 and vnderstand the wordes ther-
 of, we can be content to receaue eue-
 ry maner of interpretation. The
 lord doth forbyd vs in that place
 that we shulde not swear at al, yea
 he dooth forbyd that muche more
 strenghtly, than he doth forbydde
 dyuorcement/and with mo wordes
 he beatech the matter into our hea-
 des, and yet, for the valour of. xii.
 d. we care not how often we swore,
 excusynge the matter with this ex-
 position, that we are commaunded
 not to sweate vnaduycedlye with-
 out a cause. And whetfore doo we
 not as well saye, that we muste not
 put awaye our wyues vnaduyced-
 ly for euery trifell? He doth forbidd
 vs, to be angry, we do expounde it
 with this word vnaduycedly and
 casly.

The making
 of an othe.

Vpon diuorfement,

cashly: He forbiddyth vs to geue
any euill name to any man. Wee
do geue hym blowes also, yea and
oftentymes kyll hym, coulouringe
our offence with these wordes, say-
enge: we dyd not the dede for anye
hatted or malice, but for the desire
of amendment, and panythinge of
this or that noughty dede. He byd
deth also / that we shall not offre
our gyft, except, we be first in loue
and charitie with our brother, wee
doo clooke that sayinge with these
wordes, yf he wyll aske me forge-
uenes, and make me a good recom-
pense, and a mendes. He commaū-
deth vs / that we shal not go to law
for debt, whiche is due to vs, but
that we shoulde fall to some agre-
mente wyth our aduersarye, and
we, for a matter of twoo pense,
wyll caste our neyghboure into

Thou shalt
sclander no
man

The offerig
vp of the
gysie. with
out charite
forbydden

Goyngē to
lawe

¶.ii.

prison

pylson, and saye, we do no more
but seke our righte, accordinge
to the lawe. Yea we do iudge him
to offend, and cal hym a negligēt
person, that wil not this way seke
to come by hys own. He commaū
deth vs that we do no wronge to
hym agayne, whych dothe wrong
to vs, althoughe we myght bi the
lawe be iustly reuenged. For in
olde tyme the requyting of lyke,
was permytted not without consi
deratiō. Agayne, if a poore mā doth
steall but a small tryfell from vs,
we bring him straight way to the
galleus/saying, that we do folow
our right and not to be reuēged.
Chryste also commaundet he vs,
not to repayll euill, whyche saying
we saye is of counsell, not of pre
cept, and that we may neuertheless
lawfully with force, repel force.

And

How we co
lorably do de
fend oure de
uelyshe feigh
tynges

Vpon diuorſement,

And to be ſhorte, we be commaun-
ded to loue our enemye, to doo
good to them which do euil to vs
to praye for them, which do curie
vs, and for thys alſo we haue a
cloke and ſay: I wyl pray to god
to geue hym a better mynde, but I
am not bounde to ſhewe tokens
of ſymplicite to hym. And ſynal-
ly on excuſe ſeruethe for them al,
whiche is, that theſe thyngs are
commaunded not to al men, but to
them which are perfect. And yet
for all that, none of them all, whi-
che do boſte them ſelfe of moſte
perfectnis. wyl knowledg the pro-
feſſion of a perfect man, ſhewing
hym ſelfe to be ſyche a manner of
perſon, when the dewty of a per-
fect man is requyred at his or
ther handes, ſo that theſe wordes
of Chryſte are almoſte ſpoken in
vayne

Erasmus

Bayne. Christ speaketh these wordes, not among the common people, but to his dyscyples, and that in the mount, shewynge, and settinge forth vnto them, which was the purest, and godliest part of his bodye, whiche had no nede of anye lawes, whiche he calleth the kyngdome of heauen. For, what nede is it that there shoulde be any lawe, that a man shal not kyll, where is founde no man, whych though he be offended, that can fynde in hys harte to be angrye, nor yet to geue noue euyl and noughtye woorde, where he whych hath taken wronge dooth seke vppon the loue and frendeshyppe of his ennemy, wher euerie man hadde rather to geue awaye part of his ryghte, than to folowe the lawe. What nede is it to haue a lawe there, where no mā dooth

Vpon diuorſement,

doth couytte, that whiche is noone
of his? Wherfore ſhould ther be
any ſwearynge there, where no mā
doth go about to deceaue won an
other, yea where no man doth my-
ſtruſte anye deceyte? What ſhul-
de the lawe ſette ponyſhment, that
a man ſhoulde be reuenged vpon
his ennemye, with the lyke greiſe
and hurte whiche he hath ſuſtey-
ned, where men do loue theyr enie-
myes, where a good turne is done
for an euyl. where good wordes
are gauen agaynſt badde? Lyke-
wyle there is no nede of a testi-
mony of diuorſemente / where is non
euyl man, or yf there be any other
faulte (as we are all men) it is ey-
ther borne wyth all, or elles it is
ſtraightwage amended, and harde
no more of. Shew me ſuch a kind
of people as Chryſte doth wyſche
they.

Erasmus,

they sholde be, rather shold be then
nether dyuormentes, nor yet
othes. But and if for the weake
sake, whiche the church hath in so
great a nomber, no man is forbyd
to seke after his right by the law,
no man is prohybted for to swee
so it be for his owne, not falsely
for sweatyng hym selfe, no mā al-
so is constreyned to do good for
euil, for what cause is thys wone
poynte as toching dyuormente
requyred of all men a lyke? If the
Jews, for y^e hardnes of ther harts
were permitted to put away ther
wyues for euery tyfel, lest they
sholde do a worse thyng, and we
do like wyle perceaue, that among
chrysten men, besyde the vnchari-
table agreement which we dayly se
to be amonge marped folke/ that
there ar greatar perylls and dan-
gers

Vpon diuorſement

Gerſ (ſe is to ſay) cruel murthers,
poſſonynge one the other, and en-
chauntments, for what cauſe, yf
there be al wone Diſeaſe, and ſyck-
nes, is not the lyke remedy & help
founde for the: The apoſtel Paul
doth not commend, that a man, or
a wooman, ſhoulde be twyle mar-
ried, and yet for to a boyde an vn-
chaſte manner of lyuynge, he doth
permyt that thyng which he da-
teth not commaunde them to doo:
takynge it to be better to marrye,
than to burne. And ſhall we abate
nothyng of the rygor of diuorſe-
ment: The Jewes dyd interprete,
and expound that, which Moſes
wrot, of the lybel of refulſynge their
wiues, to be as thogh he did geue
them leaue to put away their wy-
ues for euery tryfling matter, as
for example, yf they ſhoulde fynde
any

Any blemish or foul thing in thy
bodies. For after that maner they
do demaunde of Chryst in the xix
chap. Math. Whither it be law-
full for a man to putte away hys
wyfe, for euery lyght cause. Chyist
dothe restrayn the separation of
man and wyfe to won cause only,
not that ther ar not greatar offen-
ces and more greuous offences tha

wherefore do adultery, but bycause whordom
thchryst na in wedlok is all manner of ways
me but won repognant, and dyrectly contrary
cause of dy vnto the state of matrimony, for
uorismen
matrimoni doth make of it; bodis
but won body, whiche vnyte of bo-
dys, adultery, which is whordom
in matrimony doth cut a sonder.
Chyste then doth permytte vnto
his people no more but won cause
of dyuorismen not al togyther for
byddyng them of that Moses
dyd

Vpon Auorsement

byd suffer the to do for the hard-
nes of ther hartes but saying onli
that it was not so from the begyn-
nyng. For if man had contynued
in the fyrste state, wherein he was
made at the fyrst, ther sholde haue
byn no manner of dyuorcement.
Chyste doth cal hys people to an
innocencye of lyfe, and wolde not
haue syche separation betwen mā
and wyfe, bycause he wyl not haue
them to be harde of hart, and yet
Paule dothe beare with the weak-
nes of man, enlarging often tyme
the pcept of the lorde. For what
cause can not the bysshop of rome
dothe same? But, as to chynge
that, they do objecte forthe of thee
self same place, That, whych God
hath copeled togyther, let no man
separat, it may be quykly answered

These wor-
des, that
which gods
hath ioyned
. &c, howe
they are to
be understod

Frasmus

unto. That, whiche god hathe
 toynd, is well toynd, and that,
 whiche god doth separate and put
 a sonder, is well separated. Among
 the Ethnikes, matrimonye was
 not lawfull, except it had ben con-
 firmed, with the consent of the pa-
 rents, and auctorite of the tutors
 of them whiche were married, yea,
 not among y^e Jewes, was it other-
 wyse lawfull, and yet with theym
 bothe, matrimonye myght be dys-
 solved for certain causes. Among
 y^e Chrtiste mē, mariage is exceeding
 lightly made, & after it is ons made
 it can not be vndone agayne. For
 matrimony is contracted secretly
 in corners, after a stealyng fashy-
 on, betwene boys and yonge wen-
 ches, by the helpe and counsell of
 baudes and whoates: it is contra-
 cted betwene fooles & dronkards,
 and

The preuye
 contractes of
 matrimonye
 betwene par-
 ties i corners
 without con-
 sent of the pa-
 rents

Vpon diuorcement

And yet this shamefull contracte,
can not be vndone, yea (whiche is
a moze straunge matter) they doo
make of this fylthy, and vngodly
contracte an holy sacrament. For/
our common dysputations, why=
che are of mutuall consent, of the
wordes pertynyng to the presēt
tyme of matrimony fullye confy=
med, and not confyrmmed, they be
but the myndes and interpretati=
ons of men, and not the verye ex=
presse wordes of god. I do graūt,
that there is no matrimonye, with
out the mutual consent of the par=
tes, but I woulde haue a sober, &
a godly consent, not such a consēt
as is wonne by craft and gyl, and
by dronkenness. I woulde haue
suche a consent as shulde be made
by the counsel, and aduysle of both
theyr frendes, as is mete and con=
uenient

benlent to be, in ſych a thyng as
 can neuer be vndone agayne, after
 it is wong knyt, yea and ſyche a
 thyng as deſerueth to be nōbryd
 among the ſacramēts of the chur
 che. But w^tē the byſhop, or other
 lawfull iudges knowyng and be
 ing certefied of theſe cauſes be
 twen any parties do ſeparat them
 a ſonder, whych are ſo contracted
 togyther / then dothe not man ſe
 parate that, whiche god hath ioy
 ned, but that whiche chyldeſhnes,
 foliſhnes, want of wyt, and of kno
 ledge, & drunkenys hath ioyned
 togyther, that (I ſaye) whiche the
 deuil hath ioyned togyther by bau
 des, as well men baudes as wo
 men baudes, & by whoars, which
 ar hys mynſters / and trewe wey
 ghtryng ſeruaūtes, that ſame doth
 god verpe well ſeparate and vndo
 by

Vpon diuorcment

by hys mynysters. But here they
doo make an other obiection, and
saye, The church dooeth allowe
dyuorlemente and separatyon of
man and wyfe to be made, so farre
that after the separation, neyther
party dooth marrye agayne.

I praye the tell mee, Doothe
C H R I S T E soo meane,
in thys kynde of dyuorlemente?
The questyon was put to hym of
the Jewes, and he made the an-
swere agayne vnto the Jewes.

But the Jewes knew none other
kynde of dyuorlement, but that,
whiche dydde barre them from ta-
kyng that woman agayn, whom
they hadde put awaye, and gaue
them libertye to marrye another.

For, that the women of the Jewes
myght marrye agayne wth another
man

man after they were putte from
thet hosbondg, it is easily ynough
to be prouid, by that the p[re]ste is
forbyd in the law to take that wo
man to wyfe, whiche is dyuorced
from her hosbonde / whiche lawe
sholde haue stonde then in none ef
fect, if the woman which was put
awaye myght not marry agayn.

The entente
whi the libel
was comma
ded to be ge
uen

For the instrument of diuor[sm]ete
was gyuen then for that porpose
a entent / that the man myght not
by any lawe haue tytul to clayme
to take her agayn, whome he had
putt awaye, that the second con
tract of the woman, with an other
hosbond myght be fyrmie and sta
ble. And so is y mynd of Chrysos
tom, whych lyketh me better, thā
that whych. S. Augustyn dothe
wyght in his .xii. boke and fyue
and twenty chapter, whiche he
wrote

Vpon diuorcement,

wrote againste Iustus: But, if
Christe dyd speke of the right dy=
uorcment, from whence then is
commethys newe kynde of dy=
uorle, whiche is rather a name of
dyuorle, than a dyuorle in dede.
But if we shold graunt that Chri=
ste spake of thys diuorcment, that
we do obserue and vse, forsomiche
as he dyd permitt but only one
cause of seperatiō. wherfore doth
Augustine make other causes, &
is to wyt ydolatry, and heresy. be=
inge led thereto by no ie other rea=
son, but bycause theese crimes,
are (as it were,) a certayne fornication.
But after that reason euey
greuous offence, which doth se=
parate the soule from god, maye
be called a kynd of fornication.
Wherfore do our lawes putte so
many calles, that almoste they can

Followe not
herein the
counſel of Ie
rom,

not be nombred, wherin they do
permyt dyuorſe: Hyetom doothe
pronounce that a man maye pute
awaye his wyfe frely / if he doothe
ſuſpect her to be a whoat, as theſe
his wordes do teſtefy, which ate,
whet ſoeuer (ſayth he) is found for
nycation, or the ſuſpreyon therof,
a man maye frely put awaye hys
wyfe. But if we maye lawfully
by any means make any maner of
alteration, or change in the com-
maundemēt of god, wherfore do
we not ſeke ſom remedy for thoſe
whiche ate ill copeled togyther, &
doo lyue in peryl of bothe there
helthes? If we mai not, how durſt
theſe doctors be ſo bould, of won
cauſe of ſeperation make ſo many.
The lawes which, they call the cā
non lawes do gyue lycence to that
man or y woman, which is tornd
from

Vpon diuorcement,

from infidelite to the law of Christ
to marry another if the husband or the
wife will not forsake their infydeli-
te, a blasphemie of god. Christe
dyd permit no cause of marienage
agayne but onely fornication.

And yet in this case we will
graunt that, which we are astraide to
doe in the other. If a woman be dy-
uorced from her husband, because
the disposition of his body is such
that he is not apt for marriage/ She
may marry agayne, but if her hus-
band were a partye from whom
she is dyuorced, she may not marry
agayne. In the law if a woman
dyd marry a bondman or a slaue,
whome she belued to be a fre man
the contracte of the matrimonye,
althoughe it be consummate,
is thereby dissolued, and for-
done whiche is not so, if she
were deceaued in the qualyte
of

of the person, (asthough it were
a great matter, and more vntol-
erable to be marryed to hym whi-
che is a bondina, thā to hym whi-
che is a socer, a man quellat, or
a parcyd. That poynt which is
of lesse weight, is not exactyd, and
that which is more greuous, is stric-
ghtly requited. Som man (perad-
uentur) wyll saye vnto me, that in
thys casse, whiche is of the bond
man, and fre woman, matrimony
is not dyscolued, but declared on-
ly, that it was no true matrimony
whyche appeared so to be at y first.
I do here him wel ynoughe what
he saythe. but I do aske him thys
question agayne by what authori-
te theye doo pronounce that this
cause is sufficiente to vndo that
matrimony, whiche was so thou-
ght to be, and other causes / which
are

Vpon diuorcement,

As as great, and greater thā that,
to be vnſuffycient. Or els wher-
foze do they not make the ſame ex-
cuſe, to helpe them, whych are vn-
godly ioynded togyther and to pꝛo-
nownce, that it was no righte ma-
tymony, whiche was contractyd
by dronkenneſſe, & crafty counſell
of baudes, betwen yong laddes, &
wenchys without the conſente of
there parents, vnder whose cuſto-
dye they are? But nowe lette vs
dylcuſſe, and examyne the cauſes,
and conſyderatiōs, which did put
the olde fathers in mynde, that
they thought it good that neyther
party ſhoulde marry agayne after
dyuorſe, yea though the dyuorſe,
was made for the tyme of fornicā-
tion. Hieron beweth this cauſe Hierome
ſaying: leaſt, if he dooeth marrye
an other, he ſhould ſeme to put a-
waye

Erasmus.

May his firste wyfe not offended
with any enomytes of his wyfe,
but bycause he wold mari a more
bewtyfull woman than his wife
is. These following are hys wo-
des. And bycause (saythe he) it
myght chaunce, that som mā wolde
synde false, and accuse his wyfe
sclandercously, whiche in dede is an
honest woman, and so, to the ende
that he myght mary another wife
wold ley som greuous cryme to her
charge, the man is so commanded
to forsake hys fyrste wyfe, & he
shall not be sufferyd to mary an-
other, so longe as hys fyrste wyfe
doth lyue. Which words do signi-
fyre as mych, as, if thou doest put a-
way thy wyfe not for & dyspleasur
& dost bear to any synful act of the
flesh: but for som iniury, whiche &
hast receiued of her, for what cause
saythe

Vpon diuorſement,

ſythe þ þ haſt found thi fyrſt ma-
trage ſo vnlokkeꝝ, & contrary to
thy mynde, doeſt thou put thi ſelfe
in daũger to luſſet the lyk if thou
doeſt mary again. Lykwiſe, for ſo
myche as it myghte ſo chaunce that
the womã accorðyng to that ſame
lawe myghte ſeꝝ a dy uorſe from
her holbond, the ſelfe ſame order
is taken for her, that ſhe ſhal not
mary again, if ſhe be wong deuor-
ſed. And agayne, by cauſe the wo-
man whyche haſte pleyd the har-
lot and adulterous perſon, dyd not
ſear the great opprobry & ſhame
which ſholde folow that ſhamful
act, therfore, the man whyche doth
mary her byng deuorſed, is war-
ned that if he doth mary ſyche a wo-
man, that he ſhall lyue wyth here
in the ſynne of adulterye and ſo
to be an adulterar. Thus far at þ
wordes

The woman
diuorſed; for
whoredome;
may not, mar-
rye agayne;

words of Hieron. But let vs a
 lyghtel whyl now not loke of how
 greate aucthoritie this wtiter
 is of / but let the reader weye and
 consyder the matter with me, whi
 ther thys be suffycient causes wher
 fore the innocēt man, her hosbond
 whiche hath not offendid, shold
 be bound to a wicked woman, so
 that he shold liue alone withoute
 frut of his body and burning in
 the luste of the flesh, lest (I say)
 he shold be takē for a mā of small
 wysdome, whiche wolde agayne
 take vpon hym that thinge, whi
 che at the fyrste did not go well
 with him: as though it were a
 shame for that man to go agayne
 to the sea, whiche had ons byn in
 foul stormes and tempests of we-
 ther, or for him which beinge ons
 deceaued in chosinge of a frende,
 wold

Vpon diuorcement

wolde seke him an other whome
he myght find trew and faythful,
oz that he shold be taken for an yl
lyuet, and a couetous person, wht
che wolde be contente to chaunge,
not his wyfe, but the fauor & dow
ry of his wyfe/ if it might be brou
ght to pas. I pray y^e, til me, what
lo ether they be whiche do suspecte
any suche thinge after the byshop
hath don with the matter, and the
dyuorcs iustlye confyrmed by the
aucthoritie of good and lawfull
iudges, at thei to be thought good
and honest, or noughty and wyck
ked persons which so do: Doubt
les thei are wycked creaturs, and
no good men. But do we thynk it
to be according to right and con
science, that for a fewe of wicked
and euill thynkynge persons, the
husbande whiche hath not offen
ded

Ged. or the wyf which is an honeste
 woman sholde be dypuyn to syche
 a miserable state of lpyrnyng. aga-
 ynste hye or here wyl. The lyke
 causes Saynt Augustyn doth al-
 ledge in hye boke, which he wrot
 to Pollentius lapyng, lest the
 woman for the hatred she doothe
 bear to her fyrste holbond sholde
 seme to set moze by an other man,
 and so sholde apere not to be so
 myche offended with the fals of
 her first holbadas she was gredy
 and desyros to haue a newe / wher
 he spake somewhat testynge, and
 denied that for the complaynte &
 quatells of the vngodly, the gho-
 pel, which is the euangil of god,
 shold in any wise be peruertid.
 But treuly, the ghospel doth not
 prohibit the to mary agayn after
 thou haste put away thy wife in-

Vpon diuorcement

fly & lawfully. As touching þe woꝛdes of Paul we wil speke of them moze hereafter. And forsomuche as nether Chyste, nor Paule do not requyte nor wyl, that he shal lyue continent and chaste, whyche can not, for what cause holde they be sayde to be noughtye persons, whyche nether can do it, nor yet haue boundethem by any vowe thereto? Thys is the fault of the body, not of the mynde. And wherfore is he compelled to suffer punishment, which hath committed none offence? Yea, and is in gret dysquietnes and afflictional remedy. But now where as theye doo make it a sacrament, wherby they wyl haue, þe no matrymony which is woune contracted shal be at any tyme dissolued, let vs se what manner a woune it is.

Neither

Neither this same Augustyne,
 whiche ascribeth thre vertues vnto
 to matrimonye, when he doth call
 it the thyrde sacrament, thinketh,
 that it is won of the seven sacra-
 ments, (whiche thinge Petrus
 Lombardus doth seme to note in
 the .xxxi. dyssinction,) yea, I can
 not promysse you for a certaynte,
 that this whiche is nowe the se-
 uenth sacrament, was so taken a-
 monge the oulde fathers, I yste,
 because, when Dionysie dyd teken
 vp all the sacraments, by their pro-
 per names seuerally, shewing the
 vertue and strenght, with the rits
 and ceremonies of euerye won of
 them, he doth not amonge all the
 sacraments, speake wone word of
 matrimony. But where as some
 do saye. that it is comprehended
 vnder the sacramente of orders,
 that

The reasons
 whiche doo
 make him be-
 leue that ma-
 trimony is
 none of the
 seven sacra-
 ments
 The fyrste
 cause

Vpon diuorcement

that is no more, but to shewe that thou haste some thing to say, whe thou woldest aperc to haue some answer to make, though it were neuer so slender, as though the like ceremonies were obserued in toyning the mā and woman together in wedlok, as at, when the byshop dothe make a prest or a mynyster. Truly sythe that Paul dyd speak so myche of matrimony as he dyd he shold haue wrytten two words moze than he dyd, gyuinge it some name or other, wherby we myghte haue knowen what sacrement it were. Secondly, by cause þe Greks and the laten haue wrytten so many booke, wherin they do treat of the state of matrimony, and not won place can be founde, wherin they may aperc to be of þe mynd/ that it sholde be counted amonge
the

Erasmus

The thyrd
cause

Ioaniam.

The seven sacraments and special-
ly, forasmuch as saynt Augustine
whiche is an earnest fauore and
defender of matrimony, both re-
hearse, and inculke into our head-
des all the vertues, and godly co-
modities, which are in matrimony/
not wone namynge it to be wone
of the seven sacraments. Yea, Jo-
uiniam, whiche dyd so earnestly
faue the state of matrimony, that
for that cause, he was iudged an
heretique, when he had turned o-
uer all the byble, bothe the owlde
testamente, and the newe, making
euery place therof, where he could
haue anye howlde, to setue for
the prais of matrimonye, wold
not haue omitted so substancyall
a thyng, as this, and so stronge
an argumente, as this woulde
haue

Vpon diuorcment

haue bene for his defence: but
woulde haue beaten it into theyr
eares, sayinge, yea, and crieng out
after this wyse. Matrimonye is
wone of the seuen Sacramentes
of the church, Vnygnyte is not.
Neyther doo I thynke that S.
Hierome woulde haue stomac-
ked the matter so muche, agaynst
those, whiche woulde marrye anye
oftener than wone, yf it hadde
byn knowne, that wedlocke had
byn wone of the seuen sacramen-
tes.

But for what pourpose, doo
I speake all these wordes, sythe
that Durandus dooeth the con-
fesse, that thepe, whiche weare
the latter wyttars vppon dy-
uynyte, weare the fyrste, whi-
che in theyr writings dyd begyn
to

Durandus

to name matrimonye. for to be amonge those, which properly are called the sacramentes of the churche. But, wher eas the oulde wysetes, folowynge Dauid, do other, whyle call matrimony a sacramēt, I do thynke them to be of y^e mind that in the copelynge together of man and wife, because it is a most sure and fast bonde of amyte and frendshyp, is represented vnto vs a certayne fygure, and ymage of Christ, ioynyng his spouse vnto hym selfe, whiche is the churche. And truely, matrimonye beyng well kept, is a very godly, and an holy thyng. Yea and also that, the whyche of it selfe is not holy, may be a type/and a fygure of an holye thyng, as was Bethsabe the wyf of Atria taken from hym, and ioyned to Dauid, as was the aduou
try

Vpon diuorcement,

try of Oseas the prophet, the sa-
ble also of Sampson and Dal-
la/as Hierom both manifestly af-
firme. And againe it is not requi-
sit and necessarpe, that the fygure whether the
shulde be in all pointes / lyke vn- fygure of a
to the thinge figured. For other- thyng muste
wyle shoulde it be no sacramente, in al poyntes
when a man fortuneth to haue a be lyke the
batten wyfe, or when a woman is this figured
combered with a drunken husband
an euyl liuer, and a dysat. And al-
though we shoulde graunte, that
matrimonye is a very sacramente
in dede, yet shal it be no sacramēt,
where an oulde man doth marrye
an oulde woman, a drunken man,
a drunken womā, which the chur-
che, for al that, wil haue to be a sa-
cramente. A thousande suche lyke
examples, myght be brought forth,
in the which the image of the he-
u. uenly

wherein the
spiritual &
corporal mo-
nymony do
differ.

uenly, and spiritual matrimonye
sholde not aunswere in al poin-
tes to the corporall matrimonye.
Neither dooth the sacramente of
Baptyme susteyne any dettymete
or wzonge, althoughe some after-
warde be of an vncleane, and vn-
washed lyfe, no: yet dooth it fol-
lowe, that wedlocke is no sacra-
ment, although that married folke
be often tymes noughty lyuars.
For then, the dyuotie, whiche we
do so lightly permyt for such cau-
ses, shuld preiudicate the sacra-
ment of Christ. Againe, we do se-
parate oftentimes, the man from
the wyfe, whete as Christ doothe
alwaye cleaue vnto his spouse.
And fynally, matrimony shoulde
not be dissolued, no, not with deth
yf we wyl haue the fygure answere
to the thing figured in al points.

Yea

Vpon diuorcement,

Yea, if we wyll so narrowly lōke
vpon the type, Origen sayth, that
Chryste dyd dymysse the synagoge
from hym, bycause she was a mur
therat: of her hōsbōnde, when she
sayde: Take hym: Take hym, and
crucifye hym, and puttyng awaye
the same synagoge he ioyned the
churche to hym for his spouse.

After this image, and symilitude
a man maye put awaye his wyfe
whiche hath soughte the death of
her hōsbōnd, and maye marrye an
other woman, moze mete for hym.

And as touching the congruency with what
of the mystery, it is ynough that mynd mary
alwaye won man doth ioyne hym ed folcs oug
selfe to won womā, with this mid ht to go toge
and full purpose, that they shoulde ther
be neuer any sepatatiō betwen the
whiche among some is a perpetuall
matrimony. Truly, I do meeuail
p wher as so many owld wyitarg

Erasmus.

in the greke and latin tongue haue
set chyld to fynde oute the causes
wherfore that matrimony shulde
be indissoluble, that no such rea-
son coulde fal into their heads, as
is into ours, & matrimony sholde
neuer be loosed agayne, after it is
wons made and done. There is
no man whiche doth contract ma-
trimony, but is of that mynd, that
he woulde that it should continue
whole, outynge his lyfe, neuer to
be dissolved. For no man at that
tyne, when he doth marre / wyl
thinke on any separation or dy-
uorse. But yt so be, it doth so chaū-
ce afterwarde, vpon any necessary
cause (accordynge to the fashon
of the worlde) what hurt (I praye
you) is done to the sacramente, yf
that remedy be founde for theym,
whiche can not lyue chaste & For
lyke.

Vpon diuorſemente,

lyke wyſe as a prīuiledge graun-
ted to a fewe, dooth not diſanull
the lawe which is made general-
ly to all men, ſo though ſome be
vnlOCKE in marriage, and manye
do offende, what is the ſacrament
the worſe? fynally, it ſhal follow
that either it was no ſacramente
in the oulde lawe, or els it oughte
not to be vndone, and that ſpecy-
ally, forſomuch as in the perſyls &
daunger of murther, we maye re-
medye the party which is in fear,
by the waye of out ſeparation, and
dyuorſe. Chryſoſtom doth ſhewe
two cauſes, wherefore the Jewes
myght put away theyr wyues, ge-
uynge to them a ſpybel of dyuorſe.
They are ſuffred to putte awaye
theyr wyues (ſaith he) leſt bearing
hatted vnto them, they holde ſeke
theyr death. Shuld then the wic-
ked

Chryſoſtome

The firſte
cauſe whye
the Jewes
were permit-
ted to put a-
waye theyr
wyues;

D. iii.

ked

kednes of the wyc ked persons a-
mong the Jewes, be commodiose
and proffyttable vnto them, & not
aswel the innocēcy of the holbond
amonge vs, which at chritsten mē,
be helpe to hym whych is innocēt,
and without faulte: The man is
commaunded (sayth Chrysostom)
to giue to the woman a lybell of
dyuorle, that he myght not after-
warde commande her to com to hi
agayne, whom he had wonse caste
of, to auoyde the confulsion, and
often commyttyng of adulterys.
But truly thys cause is not reke-
ned for any barre to vs, but that
we maye make it lawfull to the
holbond to take his wyfe agayne
whome he hath wonse put awaie.
And agayne Chrysostome doth say,
that the cause, whye a manne
myghte caste of hys wyfe, beinge

The cause
why the ly-
bel was geue
to the wyfe

Vpon diuorfement,

a whoar, then, and ſo ſhal we ſay,
that they ſholde not euery where
committ fornication and adultery
won with the others wyues. If
then, that ſame be a very trewe ca-
uſe, in dede, wherefore amonge vs
chryſtē men is no man compelled
to put from hym hyſ wyfe, when
ſhe is a whoar, but is playnly for-
bydden & reſtrayned frō puttinge
her awaye, except he dothe entende
al hyſ lyfe after to be made lyke a
man, whiche hath loſte the uſe of
nature. Innocentius the thirde
in the chapter ; *Quanto*, whiche we
haue alledged before, dothe ſhewe
thys reaſon, wherefore the wyfe of
a man, whrch is fallen into hetely
maye not take another hoſbonde.
Bycauſe (ſaythe he) if they do hate
there wyues, or ellſ the one of
them

them at a tyme, being dyspleased
 wth an other, if in ſuche a caſe as
 this is, they myght be dymyſſed,
 and deliuered of ther wyues, they
 wolde make aſthoughe thei were
 in ſome herely, that theye myghte
 quykly be departed, and mary a-
 gayne. The lycke reaſon is reher-
 ſyd in the gloſe made vpon y chap-
 ter: *Dixit dominus*, in the thye and thir-
 ty cauſe, and the fyrſte queſtion,
 whiche gloſe we alledged forth of
 Hierom, a lyghtel before. But
 truly if we do admyt this cauſe to
 be good, then may not that womā
 be married agayn, which by error
 was married to Peter, whom ſhe
 toke for to be Ihon/oz ells was
 married vnto a Ietuaūt, whom ſhe
 thought hadd byn a freiman, leaſt
 when ſhe wete in mynde to be de-
 parted from her hoſbōd, ſhe wold
 ſubor-

Vpon diuorment

subornate, or feyn such causes, whiche were not trewe: how be it the chapter whiche is recyted in thee glose doth not seme to make mich for the pourpose of Innocentius. For his meanig is of the holbond which doth feyn him selfe to be an heretique, that he myght fray hys wyfe from him, and as sone as he is maryed to an other man, feyne hym selfe agayne that he is amended and, torned from his heresye: So myght the man feyn him selfe to be a setuant, whiche wold seke to drue hys wyfe away from hi. And the lyke may be sayd agaisste oure dyuorments and separatyons, that the holbond wyl fordge and deuyse somme faulte, whose wyfe doth not please hym at home that he myghte by that meanes thruste her forth, of hys doars, thyn

Erasmus

kyng it a sufficient greate rewarde
 of hys fallset, & crafty dissemlynge
 if he maye be, but somich as wyth
 oute the syght of hys wyfe in hys
 house, whō he doth hate. Myther
 to haue I shewed the causes, for
 the whyche dyuozment/was not
 permytted. Now, if ye wyl, let vs
 examyn the places of Paul, whēse
 oute bysshops do seme to fetch,
 that they do make so great a dyf-
 ficulty & hardnes in dissoluinge
 of mattymony, and vndoinge of
 marpages. Paul, in the seuenthe
 chap, of the epistell to the Rom,
 sayth, Be ye ignorant bzetheren,
 (I doo speke vnto them, whiche
 knowe, what is the lawe,) that the
 lawe hathe dominyon in man, so
 longe as the man lyueth: for the
 woman whyche is in subiection to
 the man, so longe as the man ly-
 ueth

Vpon diuorcement

lieth she is bound vnto y^e law, but
when her husband is dede, she is
loosed from the lawe of the man:
And therfore, so longe as the man
lyueth, she shall be called an adul-
teros womā if she be with an other
man. But if her husband be dede,
she is set at lyberty from the lawe
of the man, that she shall not be an
adulteros person, althoughe she
taketh an other mā. Paul in this
place doth not treat of diuorcemēt
or separation betwen man & wyfe,
but he maketh a similitude vnto
the Jewes, which is taken out of
ther owne lawe, wherby he might
teach and perswad them, that the
law of Moses, being taken away
by the law of the gospell, theye
are no longer bounde to the obser-
uation of the ceremonies of y^e law,
lyth that they haue taken to them
a new spous, whych is Chyst. He
ther is

Erasmus

is it requisite and necessarye, that
the similitude or parable shoulde
in al poyntes serue for the thyng,
wherto they are cōpared. For thus
the parable of the theefe /whiche
breaketh into the house by nyght,
the parable of the mony whiche is
due and owynge to the vsurar,
the parable of the wicked & nou-
ghtye stuarde, the parable of the
vync, and the bzaunches thereof,
the parable of the chyldezen, syng-
ynge in the market place, and such
other innumerable, shoulde seeme
very sonde, if it shoulde be examy-
ned & tryed by this streight rule,
to haue all poyntes agte. It is
sufficient, that they do declare, &
make open the thyng, wherfore
they be applyed. It is the maner
and fashyon of Paul, to drawe, &
wrynge what so euer he can by a-
ny

Vpon diuorſement

ny meanes, to ſerue for the goſpel
after a godly craſte and ſubtylte,
while he doth turne him ſelfe into
all thinges, that he may wyne all
men vnto Chriſte. But our men,
nowe a days, are nothing lyke vn
to Paule, whiche do turne them
ſelues into al thinges, that by that
craſte and polycye, they maye call
men awaye frome Chriſte, and ſo
come to great ryches and promo
tions. How be it, yf we wyl take
theſe wordes of Paule as they do
lye, and ſounde, no man ſhall put
awaye his wyfe, althoughe ſhee
dooth playe the whoze. For he ma
keth in this place, noo manner of
exception. Again/ Paule ſhal not
ſeme aptly to alledge the lawe of
Moſes vnto the Jewes, yf they do
take his wordes after that faſhion,
for ſomuche, as the lawe doothe
permit

Permyt the holbondes for euerye
 cause to put away ther wyues/so
 that theye doo gyue vnto them, a
 wyght of dyuorlse, Herby ye may
 perceaue ꝑ Paul dyd not exclude
 and put away dyuorlment, forso
 mych as the law it self, doth opely
 permyt and alow it, but went a-
 boute that thing, which he hadde
 in hande, making as though he
 had nothyng to do wyth this our
 matter, whyche dyd not toche for
 his purpose. And agayne in the
 seuenthe chapter of his epistell to
 the Corynthis, he dothe wyghte
 these wordes (He then which doth
 loyne his virgen in mattymonye,
 doth wel, and he whiche doth not,
 dothe better. The woman is bound
 vnto the man, so longe as her hol-
 bod lyueth, but if her holbond, slea
 peth, she is at lybertye from the
 lawe

Vpon diuorſement

lawe, let her mary to whome ſhe
wil, only / that it be done in y^e lord.
But ſhe is more happy if ſhe can
ſo abſted, after my counſel. Neither
yet dothe Paul in thys place rea-
ſon the cauſe of dyuorſ, but exhor-
teth accordyng to the ſtate of thoſe
tymes, that theye, whiche are free
from maryage, and ſpecially wy-
dowes (for in thys place he dothe
ſpeake of them) ſhould abſtein fro
maryage, that they ſhoulde be the
more free, from the buſynes of the
worlde / whyche was then a wy-
ked, and an idolatrouſe worlde,
and coulde not chooſe, if they dyd
marie. but muſte nedes ioyne them-
ſelſe in affynite with the wicked &
vngodly.

And yet for all that, he dothe not
requyre thys at ther hāds, y^e theye
ſhal ſo

to do, but he commaundeth them;
that yf they whiche are syngyll
wolde marrye, that then they doo
take to their hosbandes such as are
Christen men. And also, he dooth
not plucke a Christen woman fro
her hosbande, which is an infidel;
except he doth first departe from
her, and sayeth also, that she doth
not synne, if being at lybertye she
dooth marry agayne. For so longe
as she hath an hosbond, she hath
no need to seke another. This ther
fore after myn opinion, is the che-

*Note a good test, and surest key, to the under-
lesson for the stondyng of the mystycal scriptur
understanding to mark: and consyder delygentli
of scripture the thynges wherof the autor wy-
tethe, and what hys pourpose is
that he goeth aboute, and that spe-
cially in Dauid which is somewhat
sleppeth and starteth in his dyl-
outation*

Vpon diuorſement,

putacion, and reſoninge : now
leapynge hyther, now thither, that
(as Olygen dooth ſaye.) the re-
dar canne ſcant vnderſtand and
perceiue, whē he is oute whyther **The hardeſt**
he wyll go. Nowe remaineth the place which
great matter of the cheſe dyſſycul- **forbiddeth di-**
ty of al, which went befoze in the **uorſementin**
ſame chapter, in the whiche place **all the ſcrip-**
treatynge of married perſons, he **tur**
ſpекeth after this wiſe: I ſay (ſa-
pthe he) to them which are not ma-
ryed, & to wydole, that it is good
for them, if they do abyde ſo ſtyll
as I do. That if they canne not
lyue chaſt / let them mary. For bet-
ter it is to mary than to bozne. But
to them whiche are toyued toge-
ther in matrimony, do I comaūd,
& not I, but y lord, that the wyfe
do not departe from her hoſbond.
But, if ſhe doth departe, that ſhe

I

ooo

do abyed vnmariied or ellg be re-
 concyled agayne to her hosbond,
 and that the man do not put a-
 waye his wyfe. These words doo
 seme to be spoken wher the matri-
 mony is betwene lyke persons,
 that is to saye, a chrysten man, and
 a chrysten womā. And the words,
 whiche folow: (The reste I doo
 cōmand, but not the lord) ar spe-
 ken of the vnylike, & vnequal ma-
 trimony (that is to saye) betwene
 a christian, and an infydel. Fyyste
 wheras Paule in nether of these
 places doth not make that excep-
 tion openly, whiche the Euan-
 gelystes do, Ambrose doth coun-
 sel the, to supplie it, wth thyn e-
 owne vnderstondyng, lest the a-
 postel sholde seme to be agaynst
 the commandements of hys lord
 And belyde this, Paule doth not
 seme

How ought
 Paule to bee
 understand
 in this plac
 after the
 mynde
 Ambrose.

Vpon diuorſement,
here to ſpeke of greate offence,
ſuche I ſay as are, as greuous as
adultery/or more greuous, but of
ſlyghte matters, for the whiche
cheſely wer many and often ſepa-
rations, and dyuorſes, among the
grekes, accorſynge to the laying
of Iuuenal. And thus, in ſiue
pate hath ſome women cyghte
houſbandes. And this we may ge-
ther of the words whiche do fol-
low/or els be reconcyled agayne
to her holbond. Thoſe men wee
ſayde are made ſtendes agayne,
whiche thoroſe ſome offence, or
dyspleaſure haue byn at variance
And agayn that party is ſayd to
be reconcyled, which hath trespa-
ſed, not he or ſhe to whom the tres-
paſe is done. But, and if ſhe de-
parted iuſtly and for a good
cauſe, wherefore dothe the
apoſtelle commaunde that ſhe
ſhoulde

Erasmus.

Sholde be reconcyled, which shold
rather haue byn intreatyd, and de
syred to be contente, & to leaue of
all displeasure. But if the faulte
was in them both, that the one of
fended as well as the other, he for
byddeth/that she shall not marre
another man, wherby her fyrste
hosbond sholde be put clean from
her, but that she sholde contynue
vnmarrid, and so (peraduenture)
they maye be brought at one, and
made frendes agayne. Also, thou
wilt vnderstand, that the Apostel
in this place doth speake of the
woman only, and not of the man,
forso much, as the woman among
the Jewes, had no power to put
away her hosbonde from here.
And as to churche the man, he doth
no more but exhorthe hym, that he
doth not putte away his wyfe
for

Vpon diuorſemente,

for ſych lyght cauſes. For he doth
not adde theſe wordes (if he dothe
put her awaye, let him conſeyne
him married, or be reconcyled againe
to his wyfe.

Thus myche doth Ambroſe note,
and obſerue in thys place, all be it
Auguſtin, wolde haue, that the
woman ſholde haue in all thinge
as mych power as the man, whye
the thyng, lyke as he dothe ear-
neſtly and conſtantly aſſyre, ſo
ſanne he not fynde to make his
worde good. But I am not here
ſure, whyther Dauid dyd in thys
matter, grue any thinge to the ob-
ſeruation of his owne law, which
gaue lyberty to the men for euery
lyght cauſe to change ther wyues
and not only that, but alſo if they
were in ieloſy, ther was a cruel re-
medy prouyded for them, wher as

The woman
hath the like
power over
the man
that
the man hath
over the wo-
man

no

no syche thyng was for the wo-
man. And more than this. The
Apostle in al his epistels doth not
gyue to the wyues any great auc-
thorite or rule, whō he doth make
subject to the power of the hol-
bōds, whom he wyl not haue to be
with there hed vncoueryd, whom
he doth not suffer not so mych as
to speake in the congregation.

Therefore it sholde apere, y Paul
dyd forbyde, that the wyfe for sich
as at lyght and common faultes,
sholde not forsake her holbonde.
But if she so dydde, that then she
sholde not marie agayn, that they
myghte be made frendes, and cōe
together as they dyd before. Ac-
ther dooth he commende, that the
woman, whiche is sette a sonder
from her holbonde, sholde not ma-
ry.

Vpon diuorſemente,

ty agayne, if he wyl not haue her,
but this he doothe chooſe rather,
than that ſhe ſholde marve againe,
and vndo the firſt contract clean.
But if ſuch a caſſe as this is, had
byn putte to Paule, (won ſole,
hathe made a contracte with an
other, a boy and a gyrl together,
baudes, and whoarg made the
marpage, wyne and dronkenneſſe
were counſelars, theye haue by
craft byn thus broughte into a
ſnare/and alſo if it hadde bynne
ſayde vnto hym/that the worlde
is full of ſuche mariages, & that
thouſandes are vnhappely/and yll
tangelyd together. Beſyde that,
Theye doe alſo but make a becke
won vppon the other, and the
mariag is made vp if they do but
woneſe familiarly cōpani together
after

Erasmus

After syche sygnes and tokens of
loue, yea and also, although they
do not company togpyther. And
when they are ioyned, theye agree
not togpyther, so great dyuorsyte
and contraryte is in ther condicy-
ons, manners, and naturs, that
there is betweene them continual
braulyng and chydynge, ther is
suche greate hatred, as can by no
meanes be swaged. The won fea-
reth to be poisoned of the other, the
one dreadeth to be murthered of
the other and no kynde of mische-
ther is, whiche the one dothe not
loke for at the others had, nether
of them can lyue without a make,
and if they do abyde syl togpyther,
they be ether of them, doble caste
away: and contrarywyle, if theye
be set a sondet, and be sufferyd to
mary, yet ther, is hope that these
shall

Vpon diuorcment

shall bothe be oute of peryll and
danger. If syche cases (I saye)
were put to Paule, peraduenture
reconsydering the circumstances
of the cause, he wolde make some
other answere than he hath made,
he wolde somewhat release the ri-
gor and strenghtnes of hys fore-
mar counsaile, and peraduenture
wolde otherwyle also and more
gentely enterpret, & understonde
hys writyngs than we do. Or els
if that noble womā Fabiola, whō
Hierom in his woꝝkes hath crye-
ned vp to a perpetual memorie,
which was made to do penance in
goinge barefote, and wearynge
garments of hete, bicause she for-
soke her fyrste hosbond, being yet
bety yonge, and married an other
(but Hierom appeareth to shew vn-
to vs, that her hosbonds dyd vse
her

Erasmus

her otherwyle, than becam a man
to do, in that he reporteth, that she
was forced to suffer syche things
of here holbond, as no handmai-
den wolde abyde of her master,
For, yea the bond men myght flie
from ther masters, vnto the tinage
of the prynce, if that they were at-
temptyd, and prouoked of them,
by any shameful act) if this noble
woman (I saye) hadd fledde vnto
Paule, and had sayde vnto hym
Thou wylte not requyre of me
(O paule) that I shold abyde with
syche an holbonde, who I canne
not obey and plese, except I wold
be contente to be made abhominable,
and worthy to be abhorred of
men. Yea I knowe, thou wylte
not suffer me to be with sych man-
ner a man, althoughe I wolde;
and I doo nowe fele thee dys-
position

Vpon diuorcement

position of my body, to be such, & it were not good nor profitable for me to lyue alone woman. Nor yet wylt thou requyre so greate a gyft, of them, which haue it not. It is uen to them of God, which doeste commaunde, that yonge wydowe, whiche are lasciuious and wanton, should take them husbands. If Fabiola had sayd thus muche or suche lyke words vnto Daule, I thynke she shoulde haue found more humanite / and gentlenes in hym, than she dyd in that byshop, (what soeuer he was) which didde put an innocent & a faultles yonge woman, to such an open shame & punishment, as though she had poisoned her mother, & specially, forsomuche as she did not take an other husbonde in contempte of the byshops lawe / but thoroughely simplyctye, and lacke of wylle.

Paulē ī this
place menēt
not the cause
of adulterye

dom. But if so be any mān wylle
say that Paule doth speke in this
place as to chynge the cause of ad
ultery / for what cause dyd he not
make that same exception, whiche
the lorde dyd make, yea wherfore
dyd he adde moze words vnto the
thyng than the lorde dyd, in that
he hyddeth the woman to conty-
newe vnmartyed / wherfore dothe
he forbyd y man to put away hys
wyfe, whom Chyyst permytted so
to do, if she were an adulteros wo-
man. I do not speake these words
to thentent, that we sholde haue a
gappe made open, to often dyuor-
mets and separations of martyed
persong. But when al manner of
wayes and meanes haue bin sou-
ghte and attempted for the quyet-
nes of the partes, and al in vayne,
I wolde wythe that remedy were

Vpon diuorcement

provyded wherby the person whiche hath vnfortunably married & cannot be without remedy, may be preserved and holpen. Neyther haue we nede any thyng to feare, leaste by this occasyon, euery place of the worlde shoulde be fylled with dyuorcements, sythe that, yea among the Cathnyks, the state of matrimony, was in an honorable estimation, and had also ther mutuall dyuorcements, but yet not without a good ground & consideration.

Wyllt thou haue that ther shal be few dyuorces: fynd some remedy that maryages may not so lightly be made and knyt vp. Let the parties go to gyther with iudgemente & good dyscretion, and by the authoritye of the parents, which haue most to do with the matter, as they dyd in the olde tyme amonge the
The remedy
against diuor-
sements
De.

Erasmus

Hebrewes, the Greakes, the Ro-
 mayns, and the Barbarous nati-
 ons. For who was he amonge the
 Christians, which dyd fetch the
 at Gods mouth, that to y^e contract
 of matrimonye/required no more
 but the consent of the partes? Yea
 though it wet against the myndes
 of them, to whom god wold haue
 chyldren be obedyent and in sub-
 fection? But this argument, Tho-
 mas of Aquyne doth very sleight-
 ly put awaye, saying: She is not
 in the power of her parentes as a
 handmaide, but as the daughter.
 Wherefore then, was it not laful
 among the Jewes, that the dought-
 ters myght marrye againste theyr
 parentes wyll? And thus muche
 more doth Thomas add, making
 a chayne of lyke lynckes, even as
 wel (saith he) as the doughter may
 enter

Thomas of
 Aquyne

Erasmus
 doth reason
 agens^t Tho-
 mas of A-
 quyne

Vpon diuorſement

enter into religion without the cō
ſent of her parents, forſomuch as
ſhe is a free woman, & not a bonde
woman. The euangell it ſelf doth
teach vs, that the chyldren, maye
go to the profeſſion of the goſpel,
although their parents be againſt
them. But here they do not reſyſt
the authorite of the parents, none
other wyſe, but when they woulde
haue thē to do wickedly. But that
the doughter or the ſon, yea being
but yet chyldre, ſhuld forſake their
Chriſten father & mother, to whō
they ar double bound to obey, & giue
thē ſelf to y^e ordre of Benet or Do
minik, where they may lyue more
licentiouſly, not ponyſhed, nor yet
more godly than they did beſore. &
alſo that contrary to al commō la
wes/they ſhulde exempt thē ſelfe,
from the power of them (to whō
both

bothe the lawe of nature, and also
the law of god and mā, wyl haue
them to be in subiection, and yelde
vp them selfs (I can not tell to
what kynd of people) in to a certai
seruitude, that of chyldren, they
sholde becom forlaken of ther pa-
rents, and the bondmen of other
men, I canne not tell, wyth what
reason it canne stande. Thys con-
stitution and ordynaunce, seemeth
to haue proceded fro the self same
petlons, whiche ordeyned, that a
man myghte forlake hys wyfe,
whome he hadde lawfullye ma-
ryed, yf he had not hadde copula-
tion wyth herte, and make him
self a monke, or a friar, & yet hold
it not be lauful for y yong woman
to mary any other, before the day
of his profession be past, and kno-
wen,

Vpon diuorcement,

When, and in casse before the daye
of profession he dothe go oute of
that monastery vnto another, and
so from that agayne to an other,
so that it were nowe wholl foute
yete before he were professed, his
sured wyfe shall continue al this
whyle vnmarried. And fynally if
after he hath byn so longe away/
he wyl be professed in none of all
these foresayde monasterys, but
wolde retutne to his wyfe agayne
he shal be cōpellyd to here great
sclander and infamy to haue tyme
to a hosbond, whiche hath so many
yeare lyued in a religious habyt.
This is goodly equyte, & iustice:
This is a goodly fauour that is
borne to religion, & for mans or-
dynaunce/ the lawe of god shold
be broken, wyth thee greatte
iniury

They haue
ben found to
be knauishly
deade, but it
was acordig
to the uertue
of their religi
on

intury & peryl of y^e innocēt, & good
younge woman. And here agayne
they do vtter an other poynte of
ther crafty conueyance, and al not
worth a straw. Ponkes at dedde
(ſeyz theye) vnto the worlde. And
the deth of the body doth dyſſolue
marrymony, mych more then the
ſpiritual deathe. Althoughe in
dedde, all Chryſten men hadde not
in ther baptysme profeſſed thys
deathe / and are not buryed wth the
Chryſte in that ſaue baptysme.
But they do make a greaie mat
ter of that, they be wholly addy
ctyd, and yelded vp, although the
other chryſten men were not whol
ly addycted, and yelded vp vnto
Chryſte. Whole men therfore why
che haue byn the authoꝝ, and do
arg of ſyche ordynances, ether vn
derſtode not y^e ſtrenght of y^e lawe
of

Vpon diuorcement,

of god, or els theye gaue to mych
authoryte vnto mans statuts, and
lawes. But to comme to our mat
ter, I wolde wythe, that someche
at the leaste sholde be permytted
to the innocente party, whose for
tune it was to be bilokkely mat
ched with an vngodly person, as
amonge the Jewes, was permyt
ted to the froward bytternes of
hosbondes, whiche wolde neuer be
pleased, or els as myche, as Paul
dothe permyt to lasciuious & wan
ton wydowes, for fear lest theye
sholde do that thyng whych is
more wycked. A woman, whiche
is maryed vnto a mā that is cold
& vnapt to the conuersation and
companye of a woman, is holpen
by a certayne condytyon in the
lawe, not expressed: and whetfore
sholde not the lyke remedy be in
thys

this case ? Dyuoisementes (saye
they) amonge the Jewes is not a-
lowed and prayled, but it is per-
mytted onelye. Common places
for whoares are suffred amonge
the Chrystyans alloo for the voy-
dyng, of a greatt inconueny-
ence.

But I can not see, that anye like-
lyhode of a verryte is in it, that a
Jewe shoulde haue offended, yf
he hadde putte awaye from hym a
woman of mooste wycked condy-
tions, and taken another home as
gayne vnto hym, forsomuche as
the lawe dydde openly gyue hym
leau, so to doo, & ythout any ad-
dytyon, that it was permytted to
the hardenes of theyr larte, and
that namelpe, whete as by no na-
tural sence and vnderstandyng,
that

Vpon diuorſement,
that thyng, myghte be vnder-
ſtonde, whyche we doo interpret
and expounde. But yf it was
graunted to the hardnes of harte;
then is that thyng lawfull, why-
che **G D** doothe graunte, ſpe-
ciallye, where as, it canne not be
proued by anye ſignes, or too-
kens, that they are culpable, and
blame woorthye them ſelfe, why-
che do take and vſe that ſame per-
miſſion,

But howe ſo euer theſe thynges
are, the permiſſion is ſuche,
that the huſbande myghte freely
marrye whome he woulde, yea,
and the women alſo, wherefoze
ſo euer they were putte a waye.

For oftentymes, we doo call that
thyng lawfullye doone, whyche
the lawe dooth not puniſhe. But
amonge

The womā
beinge put a
way for ani
manner of
cauſe in the
ould lawe,
might marry
but yf ſhe
played the
whore. ſhe
died for it.

Erasmus.

Amonge vs Chryſten men, that
ſame is not only not tollerable;
but it is ponyſhed, as a greate of-
fence, yea ſomewhat moze greuol-
ly than the comynſtyng of adul-
tery, although that Auguſtine
dothe opely pronounce and declar
that it is a greater wyckednes &
ſynne to comynſt whordome oute
of maryage, than to take an other
hoſbonde with whome ſhe maye
lyue after ſhe is dyuorſed. Nether
dothe he ſaye playnly, that ſhe is
not hys wyfe, whom ſhe hath now
taken, but he ſayth, that ſhe is ra-
ther hys wyfe, from whome ſhe is
gone, than whom ſhe hath taken.
But now let vs end thys dyspu-
tation, whych is moze lyke vnto
a wholl booke, than to a ſmall an-
notacion. Howe be it, I thoughte
good

Vpon diuorſement,
good to ſpeke ſomewhat of theſe
thinges, that thoſe whiche are ſu-
diſe, and letned, may haue more
matter to thinke on. Neither is it
my mynde, to haue my iudgment
preferred, before them whiche are
oute elders, mych leſe, before that
whiche the holy church hath de-
termined.

But forſomuch as in my former
edition of this my booke of Anno-
tations, I dyd ſomthyng declare
and ſhew my mynd, what I wold
haue done in this matter, whither
it was accordinge to reaſon, or o-
therwyſe, I am ſure of a godly af-
fection, and a good deſyre, that no
man therfore ſholde enterpret and
vnderſtonde that otherwyſe than
it was wrytten for, of me. I thou-
ghte it mete to declare here againe;
what reaſons adduced and cauſed
me

Erasmus,

me, that I shoulde wysch and desyre
such a matter to be brought to pas,
if the authorite of the churche/ could be content to allowe it.

Therefor, It greued me much, and I tooke
whiche mo- ppyte of them, whom I dyd se ty-
ued hym to ed with suche paynfull bondes, as
the takinge were vnable to be loosed, of y^e which
in hande of I lost I knew very many, but specy-
this argumēt ally in England, wher I begaune
first to wyght this booke. I consi-
dered also, that many yeaeres ago,
there were men both of godlye let-
tyng, and of vertuous lyfe/ which
notwithstandyng the word of the
what yf E gospel and of Daule, dyd admytt
rasmus wer dyuoziment: a separation. Beside
nowe alye that, I consydered also, that some
in englonde, thinges myghte be otherwise ex-
what wold pouded: than they haue ben hithert
he saye Kno to. I consydered also that the by-
wynge that shop of rome had so mych liberty
we haue re
giuen

Vpon diuorſement

giuen to him, that he myghte, ^{in celued the} interpret, reſtraine, loſe, diſpenſe ^{word of god} yea & alſo, after ſome mē's minds, ^{and this wic} in ſome things abrogatē ^{Rednes ten} doctrie ^{foulde more} of the goſpell & of the Apoſtells at his own pleaſure. I conſidered beſide this, that yea in oure days, matrimony myghte be dyſſolued, although it had bin confirmed by copulatiō of the partes, if ether of thē had bin deceauid in the perſon, or in the qualyte of the perſon taking Ithon for Wyllyam, or a bondmā, wherſhe thought he was fre. I perceaued alſo y for falling into herely it is vndon, although matrimonye was neuer ſo ſtrongly cōfirmed, & wel knowē of al mē to be perfect matrimony. I perceaued beſyd this, y for y profeſſiō of an order inuēted by mā for y change of wone garmente into an other

Erasmus

other, the lawfull husbonde is de-
pryued of his lawfull wyfe. I per-
ceaued againe, that by the byshop
ofrome, those persons were made
vnhable, whom neither nature, nor
yet the law of god, at anye tyme e-
uer had dyshabeled, considering
therewith, that the same auctorite
and power, may dysholue the con-
tracte of matrimony, whiche may
forbyd, that they shal not go toge-
ther in matrimony. I considered
also with my selfe, that the scryp-
ture is perplex and doubtfull, as
wel in thys, as in some other thin-
ges. I dyd se agayne, that thould
expolitours, whiche were exelent-
ly learned / dyd dyffer sometyme
from them, whiche are writars of
latter dayes. I dyd wey with my
selfe, howe greate auctoritie was
gauen of Chryst vnto the church;
wherto

Vpon diuorſement

wherto he gaue the keyes of the
kyngedome of heauen. I dyd alſo
remember wel, that the church had
with her the ſpirit of her ſpouſe, &
that nothyng coulde be done a-
myſs, that by that ſpirit ſhould be
orderned to the health of man. I
conſidered alſo: with howe greate
clemency and pitie, the byſhop of
rome doth ſuccour and helpe, yea
thoſe which are tormented, with
paynes of hell, yf they be not con-
demned for euer. And me thought
that I myght alſo wyſſhe and de-
ſyre, that ſome helpe ſhould be found
for them, which were many wayes
in this lyfe, put to payne and tor-
ment / not without great daunger
and peryl of their ſoules, without
any of their deſeruyng. I per-
ceued alſo, that their obiections a-
gainſt vs, may lghtly be put of
with

Note to w^h
om chriſt did
geue the Ke
yes o ſheues

Here was a
goodly mock
for the biſhop
yf his holy
nes wolde
haue ſeen

Trāsmus

withoute any prejudice of our religion. I considered also that the reasons whiche bothe the olde & the newe wyrtars, do bring in for this cause for them, at not so br-
gente and stronge, that they shold
bynde al men to see a violente,
and streyght necessity. And there-
fore a godly and a christian loue
beinge styrrd, & prouoked wth
these considerations, caused me
to leue this matter before them,
which do se farther, and more, thā
I do, that they myghte study, and
wepe amonge them, if by any mea-
nes they maye find that the wor-
des of the ghospell, and of the a-
postel, myght be despēdyd w. for
the commodyte and helthe of ma-
ny, for the whyche entent, all thin-
ges are wyttē vnto vs. yea wher
vnto Dauid hym selfe doth often
tymes

Vpon diuorcinene

tyms somewhat waste the holy
scripture hymselfe. But if thys cā
not be brought to passe, whych I
wythe myghte be, yet am I sure
that this order may be taken, that
marriages shall not, so sleightlye
and vnaduisedly be made, contra-
ry to the maner of the elders, and
agaynste all natutall equyte, and
reason. For, if the byshop of rome
maye decre, that matrimony shold
not be contracted betwen persons
whiche are of the thyrde degre, &
that it is no matrimony / yf lyche
persons go togyther, after the sãe
manner, it maye be enacted, that
these persons, whych are in the
power of othet mē, nether yet yōg
men, & maydens nether dronkar-
des, nor folles, going togyther w
out the counsel of ther elders, but
onlye prycked thereto, by whoats,
and baudes, wout any manner
of

Erasmus

of good consideration of wytte,
sholde ether be suffred to marrye:
or beyng marryed, should be tho-
ught lausfullye married. And yf
they wyl go this waye to worke:
there shal not be so manye mysera-
ble knottes, so faste knyt, as there
at now of dayes.

MUSEUM
BRITAN-
NICUM

Thus endeth the disputation of
dyuozement.

The Censure of Ihon

Bientius in his treatise vppon the cases
whiche are concerning matrimony: whose
wordes are these folowynge, as they
are wytten in his booke.

Hereof ryseth a question, whether the
persōs which were dyuozed, may again
make another cōtract of matrimony, or els
shold continue styl vnmarried? At this pres-
ent, as touchynge the patty whiche hath
offended, we wil speke nothing, but let vs
leue him or her to the magistrat, whose of-
fice and duty it is accordyng to the heinou-
nes, & greuousnes of the cryme, to punyssh
it

Vpon diuorment

it wozthelp, w the payne ordeined for it. And yf the magistrate wyl be negligente, & not do his duety, in punishing thys crime: our mind is, that þ ministers of the church, shold pursue the crime with excommunication. But on þ other syde as touching the innocent person, whither he oꝛ we after diuorſe maye with the lawe of god, be suffered to be ioyned in matrimony to another, we wyl now reason the matter. And herein I do not passe, for thoulde & rotten custom, by the which, the innocent partye, could not be suffered to marrye, before the death of thoffender, forsomuch as thys custom dyd ryse by, and come of the ignorance and lacke of knowledge of the scriptures. beside that, by the wordes of Christ, & saynges of Paule, we do fynde nothing, that is moze contrary vnto the scriptures, thā is this. &c. The rest of his wordes, with the whole booke, god willing we wyl gyue you into our mother tonge, oꝛ it be longe.

The ministers ought to excommunicate those offenders, and not to permit them to marrye.

Henry Bullinger.

First, that is called a iuste diuorſe, when lykewyle as nether party may take the other agayne, so is it in the lyberty of the faultles party, to marry another. And therefore, that dyuorſe, whiche was for euerye lyght cause, was no true diuorſe. &c. And in the fyrst part of the same chapter he sayth: The Pappstes haue forbydden the innocent, and vngylty, to marrye after the dyuorſe

horse made. Whiche yet was nothing els
but euen violently to caste a snare aboute
poore peoples necks, and to draw the vnz
to vice and synne. For the diuorced coulde
not refrayn, & to marry they were not per-
mytted, therfore with violence were they
forced to whozedom. But Paul sayeth o-
therwyse, Better it is to marrye than to
burne, and God ordeined wedlock for the
auoydinge of whozedome. As touchinge þ
person that committed the offence to þ dy-
uorſe, he was punished with deathe, what
nede we then to reason for the mariage of þ
vngylty. Therfore where as some do ob-
iect Pauls wordes sayeng: (The woman
is bound to the law so long as her husband
lyueth, but when her husband dieth, she is
free to marry vnto whom she wyll, only, þ
it be done in the lorde) it hindreth not our
purpose. For wher as þ adulterer doth yet
liue, it is against gods comaundement, whis
he hath condemned him to death already:
therfore in such a case, þ faithfull esteemeth
him but dead (though through þ negligēce
& suffraunce of the world) he be yet alyue.
It is no reason that such suffraunce shold
debar the vngylty from his freedom & right
Icyng the iudges do not execute iustice. &c.

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